



Security Council

Distr.: General
18 December 2006

Original: English

Report of the Secretary-General concerning the credentials of the alternate representative of the United Kingdom of Great Britain and Northern Ireland on the Security Council

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a letter dated 13 December 2006 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations stating that Chanaka Wickremasinghe has been appointed alternate representative of the United Kingdom on the Security Council.

In the opinion of the Secretary-General, that letter constitutes adequate provisional credentials.



**Security Council**

Distr.: General
27 December 2006

Original: English

Report of the Secretary-General concerning the credentials of the representatives and deputy and alternate representatives of the members of the Security Council elected for the period 2007-2008

1. At its 32nd plenary meeting, on 16 October 2006, the General Assembly elected Belgium, Indonesia, Italy and South Africa as non-permanent members of the Security Council for a term of two years beginning on 1 January 2007.
2. At its 49th plenary meeting, on 7 November 2006, the General Assembly elected Panama as a non-permanent member of the Security Council for a term of two years beginning on 1 January 2007.
3. Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that, with regard to the representation of the members of the Council elected for the period 2007-2008, he has received the communications referred to hereunder.

Belgium: Credentials from the Minister for Foreign Affairs of Belgium, signed on 22 December 2006, stating that Johan C. Verbeke has been appointed representative of Belgium on the Security Council, Olivier Belle, deputy representative, and Karl Dhaene, Bart Lammens, Delphine Delieux, Pierre Cartuyvels, William Roelants de Stappers, Christophe Payot, Axel Kenes, Karen Van Vlierberge and Peter Van Kemseke, alternate representatives.

In the opinion of the Secretary-General, these credentials are in order.

Indonesia: Credentials from the Minister for Foreign Affairs of Indonesia, signed on 23 November 2006, stating that Rezlan Ishar Jenie has been appointed representative of Indonesia on the Security Council, Adiyatwidi Adiwoyo Asmady and Hasan Kleib, deputy representatives, and Rachmat Budiman and Yayan G. H. Mulyana, alternate representatives.

In the opinion of the Secretary-General, these credentials are in order.

Italy: Credentials from the Vice President of the Council of the Ministers and Minister for Foreign Affairs of Italy, signed on 21 November 2006, stating that Marcello Spatafora has been appointed representative of Italy on the Security Council, Aldo Mantovani, deputy representative, and Francesco Azzarello and Massimo Marotti, alternate representatives.

In the opinion of the Secretary-General, these credentials are in order.



Panama: Credentials from the First Vice-President and Minister for Foreign Affairs of Panama, signed on 13 December 2006, stating that Ricardo Alberto Arias has been appointed representative of Panama on the Security Council, Giancarlo Soler Torrijos, deputy representative, and Nils Castro, alternate representative.

In the opinion of the Secretary-General, these credentials are in order.

South Africa: Credentials from the Minister for Foreign Affairs of South Africa, signed on 15 December 2006, stating that Dumisani Shadrack Kumalo has been appointed representative of South Africa on the Security Council, Baso Sangqu, deputy representative, and Abdul Samad Minty, Bongiwe Qwabe, Sabelo Sivuyile Maqungo, Zaheer Laher, Wayne Malgas, Johann Paschalis, Lulamah Rulumeni, Petros Sipho Seakamela and Cedrick Crowley, alternate representatives.

In the opinion of the Secretary-General, these credentials are in order.



Security Council

Distr.: General
15 December 2006

Original: English

Special report of the Secretary-General on Ethiopia and Eritrea

I. Introduction

1. The present report is submitted pursuant to paragraph 8 of Security Council resolution 1710 (2006) of 29 September 2006, in which the Council expressed its intention to review progress towards demarcation of the border between Eritrea and Ethiopia and requested me to present updated options for possible changes to the mandate of the United Nations Mission in Ethiopia and Eritrea (UNMEE).

II. Recent developments in the Temporary Security Zone and adjacent areas

2. Since my report of 19 September 2006 (S/2006/749), the security situation in and around the Temporary Security Zone has deteriorated further. On 16 October, in the most serious violation of the integrity of the Zone, approximately 400 armed soldiers of the Eritrean Defence Forces (EDF), along with military vehicles, six main battle tanks mounted on tank transporters and one anti-aircraft gun, entered Kerkessa in Sector West, inside the Zone. At the same time, approximately 1,000 armed Eritrean troops, with artillery guns and rocket-propelled grenades and 10 main battle tanks mounted on tank transporters, forcefully passed the UNMEE checkpoint at Maileba, heading towards Om Hajer, which is located in Sector West, inside the Zone. During the incursion, the Maileba checkpoint, which was manned by UNMEE troops from the Jordanian battalion, was temporarily taken over by armed Eritrean militia. According to information available to UNMEE, in the following two weeks, Eritrea sent approximately 745 additional troops into Sector West, inside the Zone. Since these incursions, armed Eritrean personnel have stopped all movement of UNMEE patrols in the affected areas, further limiting the already restricted monitoring capacity of the Mission.

3. On 16 October, I issued a statement that the incursion constituted a major breach of the ceasefire and the integrity of the Temporary Security Zone, and warned that it could seriously jeopardize the peace process and undermine the Agreement on Cessation of Hostilities between Eritrea and Ethiopia, signed in Algiers on 18 June 2000, which would have serious consequences for the whole region. I also urged the Government of Eritrea to withdraw its troops from the Zone immediately and to cooperate with the United Nations in restoring the ceasefire arrangements. UNMEE also sought an urgent meeting with the Eritrean authorities

to protest this grave violation of the Algiers Agreement between Eritrea and Ethiopia.

4. While some Eritrean troops and militia have been observed withdrawing or temporarily moving out of the Zone in Sector West, UNMEE estimates that at least some 2,000 Eritrean troops, with heavy weapons, remain inside the Zone, comprising about five infantry battalions, a squadron of main battle tanks, a battery of ZSU 23 anti-aircraft guns, a troop of type 63 anti-aircraft guns and a troop of multi-barrel rocket launchers.

5. The Minister of Information of Eritrea and the Acting Commissioner for coordination with the Mission informed UNMEE that the troops were moved into the Zone to "help harvest crops" from state-owned farms in the area. The Acting Commissioner also stated that the troop movements were "a natural decision" citing the presence of development projects in the area.

6. For its part, Ethiopia condemned the incursion as a provocation and a flagrant violation of the Algiers Agreement. So far, UNMEE has not reported any unusual troop movement on the Ethiopian side of the Zone, except for a redeployment of about 20 D-30 artillery guns in the adjacent area, near Humera, in Sector West.

7. On 21 October, in an unfortunate shooting incident, an UNMEE sentry fired at a group of unidentified Eritrean civilians who had forcibly entered an UNMEE camp in Barentu, in Sector West. One of the intruders later died in a local hospital. Immediately, UNMEE instituted a board of inquiry to investigate this tragic incident. It is expected that the board will conclude its investigation upon receipt of the relevant documentation from the local Eritrean authorities.

8. On 14 November, two low-intensity blasts occurred in two hotels in Humera, in Sector West, in Ethiopia. One of the hotels accommodates the office and personnel of the UNMEE Humera team site. There was no injury to UNMEE staff and no damage to UNMEE property. Based on information gathered so far, there is no indication that UNMEE was specifically targeted.

Eritrean restrictions and their impact on the Mission

9. Despite the protests of the Security Council and UNMEE, all the restrictions imposed on the Mission by Eritrea, which were listed in my previous reports, remain in place. The ban on United Nations helicopter flights, which was imposed in October 2005, remains of particular concern to UNMEE and its troop-contributing countries, as it deprives the Mission of crucial capacity to carry out vital aerial medical evacuation. As part of ongoing efforts to address this issue, UNMEE has upgraded its level-I hospitals in Barentu in Eritrea, and Adigrat in Ethiopia, both of which now have surgical capability.

10. Eritrea has also instituted further measures that impede the ability of UNMEE to perform its mandated tasks. On 14 September, the Eritrean authorities informed UNMEE that the Mission would be allowed to purchase only 200,000 litres of diesel fuel per month, even though the Mission consumes some 340,000 litres on a monthly basis. Since that limit was imposed, the Mission has received only 151,000 litres of fuel in October and 154,000 litres in November. In addition, the Eritrean authorities have turned down the Mission's request to import diesel fuel directly. The limited availability of fuel has severely restricted the operations of the Mission, including the provision of power to United Nations personnel in the field. As a

result, UNMEE has introduced austerity measures to conserve fuel and maintain a minimum level of operations.

11. On 1 November, the Eritrean authorities informed the United Nations that Eritrea did not recognize the appointment of Azouz Ennifar as the Acting Special Representative, even though Mr. Ennifar had been appointed in that capacity since 11 August 2006. Notwithstanding the clarifications provided by the Secretariat, the Government of Eritrea insisted that Mr. Ennifar could no longer stay or enter the country as an UNMEE official. As a result, on 11 November, Mr. Ennifar relocated to Addis Ababa. In the meantime, my Deputy Special Representative, Lebohang Moleko, acts as the Mission's focal point for relations with the Eritrean authorities in Asmara. However, senior officials of UNMEE have been told by Eritrean officials that, since Eritrea does not recognize Mr. Ennifar, the Mission's leadership would risk revocation of their visas if they attended functions in Addis Ababa convened by him. In addition, on 29 November, Eritrean authorities advised UNMEE that Mr. Ennifar should not be maintained as the Head of the Mission and should not decide on operational issues related to the border question, regardless of his location.

12. On 6 November, the Government of Eritrea notified UNMEE that, owing to "the threat of bird flu", it had banned the importation and prohibited any supplies of poultry or poultry products intended for consumption by the peacekeeping Mission in Eritrea. Despite the explanation by UNMEE that poultry consumed by its personnel was imported from countries not affected by avian flu, the Government of Eritrea has not reversed that decision. This has caused serious concern among the Mission's troop-contributors, as poultry products constitute a major food item for their personnel.

Military Coordination Commission

13. The 38th meeting of the Military Coordination Commission, which was scheduled for mid-September, could not be held as planned owing to the conflicting schedules of the parties. A proposed meeting for early November also failed to materialize, as Ethiopia requested a postponement, on the grounds of the Eritrean incursion into the Temporary Security Zone. On 8 November, Eritrea informed UNMEE that it had suspended its participation in the Commission until Ethiopia provided an explanation for its request to postpone the meeting, as it considered that request to be a withdrawal from the Agreement on Cessation of Hostilities. UNMEE is currently engaging the parties with a view to securing agreement on a new date and venue for the next meeting.

Eritrea-Ethiopia Boundary Commission

14. In a letter dated 9 November, the President of the Eritrea-Ethiopia Boundary Commission informed me that he intended to convene a meeting with both Governments on 20 November in The Hague to discuss a proposal to demarcate the border between Eritrea and Ethiopia by coordinates, which would obviate the need to place boundary pillars on the ground. The Boundary Commission also invited the Witnesses to the Algiers Agreement to the meeting. The Boundary Commission advised that it felt compelled to proceed in this manner because of the persistent lack of cooperation by the parties, neither of which has granted the Commission access to the border area to erect boundary pillars on the ground, which would

complete the demarcation process. The Commission's proposal involves image-processing and terrain-modelling "to demarcate the course of the boundary by identifying the location of turning points (or boundary points) by both grid and geographical coordinates with a degree of accuracy that does not differ significantly from pillar site assessment and emplacement undertaken in the field".

15. Ethiopia protested strongly against the Boundary Commission's proposals and called for the meeting to be cancelled, arguing that demarcation by coordinates would be legally invalid. Eritrea also protested the Commission's notion of derogating the physical demarcation to the parties. Neither of the two parties sent representatives to the meeting in The Hague.

16. The Boundary Commission nevertheless met in The Hague on 20 November, in the presence of the Witnesses, including a United Nations delegation headed by the Assistant Secretary-General for Peacekeeping Operations. The Boundary Commission explained how it had reached the decision to demarcate the boundary by coordinates and invited the Witnesses to express their views on the proposal. At the conclusion of the meeting, the Commission informed the participants that it would issue a formal statement on the issue.

17. On 27 November, the Boundary Commission announced (see enclosure) that the most practical way that it could advance performance of its mandate was to provide the parties with the list of boundary points that the Commission had identified using the techniques referred to in paragraph 14.

18. In this regard, the Commission stated the following:

"In these circumstances, the Commission considers that the most practical way in which it can advance performance of its mandate is to provide the Parties with the list of boundary points that the Commission has identified by the techniques just mentioned along the whole length of the boundary. This list represents the locations at which, if the Commission were so enabled by the Parties, it would construct permanent pillars. This list and some explanatory comments are annexed to this Statement which is also accompanied by forty-five maps illustrating the boundary points. It may be noted that the boundary so illustrated does not differ significantly from the boundary identified in the Delimitation Decision. The areas of Tserona and Zalambessa have been clarified, as contemplated in the Delimitation Decision, by determining the environs of those two places and taking into account, insofar as relevant, manifest impracticabilities. As the Commission evidently cannot remain in existence indefinitely, it proposes that the Parties should, over the next twelve months, terminating at the end of November 2007, consider their positions and seek to reach agreement on the emplacement of pillars. If, by the end of that period, the Parties have not by themselves reached the necessary agreement and proceeded significantly to implement it, or have not requested and enabled the Commission to resume its activity, the Commission hereby determines that the boundary will automatically stand as demarcated by the boundary points listed in the Annex hereto and that the mandate of the Commission can then be regarded as fulfilled. Until that time, however, it must be emphasised that the Commission remains in existence and its mandate to demarcate has not been discharged. Until such time as the boundary is finally demarcated, the Delimitation Decision of 13 April 2002 continues as the only valid legal description of the boundary."

19. I urge the parties to take advantage of this period and cooperate with the Commission to expeditiously implement the demarcation of the border.

Mine action

20. On 8 November 2006, an UNMEE mine action vehicle with two UNMEE personnel on board hit a suspected anti-tank mine on the road between Tsorena and Senafe, in Sector Centre. The two UNMEE personnel, who sustained serious injuries, were treated in the United Nations hospital and subsequently evacuated to their home countries for further medical attention. They are reported to be in stable condition. Preliminary investigations indicate that this incident was caused by a newly laid mine.

21. The UNMEE Mine Action Coordination Centre conducted a detailed assessment following the incursion and concluded that, as long as the security status in the Temporary Security Zone remained at phase IV, it would be able to carry out route clearance and other demining tasks, in accordance with the Algiers Agreement and the relevant Security Council resolutions.

III. Options for possible changes to the mandate of the Mission

22. The prevailing unstable, tense and volatile situation in the Temporary Security Zone is due to an accumulation of unresolved issues, in particular, the stalemated demarcation process. This stalemate emanates from Ethiopia's refusal to accept, without preconditions, the delimitation decision of 2002 of the Eritrea-Ethiopia Boundary Commission. The latest actions by the Government of Eritrea, in particular the massive movement of its troops into the Zone, have severely compromised the Algiers Agreement and undermined the Mission's capacity to implement its monitoring mandate, as requested by the parties in the Agreement. At the same time, there is no sign of Eritrea's inclination to lift the many unacceptable restrictions it has imposed on the Mission's operations over the last few years.

23. In the circumstances, maintaining the status quo in the Mission's configuration would not be an option. I would therefore propose that the Security Council consider the options described below for possible changes to the mandate of UNMEE, as requested in resolution 1710 (2006).

Option I

24. The first option would consist of a reduction in the UNMEE military strength from the current 2,300 to 1,700 military personnel (including 1,430 troops and support elements and 230 military observers). This option would allow the present observation capability to be maintained while reducing the overall strength. There would be a reduced presence of contingents in all static check posts at key and sensitive points of entry into and exit from the Temporary Security Zone, while United Nations military observers would carry out patrolling tasks. The range of monitoring patrols and challenge inspections would also be limited to correspond with the considerably reduced capacity of the Mission to perform its tasks.

25. The Mission would maintain its presence inside the Temporary Security Zone and in the adjacent areas, at the following locations: Badme, Barentu, Humera, Inda Shilase, Maileba/Om Hajer, Shilalo and Shiraro (in Sector West); Adi Abun,

Adigrat, Mai Aini, Mendefera and Senafe (in Sector Centre); and Assab and Bure (in sub-Sector East). This option would allow UNMEE to maintain its presence inside the Temporary Security Zone.

Option II

26. Under the second option, UNMEE would maintain a military strength of 1,700 personnel, including 230 military observers, and the same operational concept as in the previous option. However, the entire UNMEE Force headquarters and units integral to it (including the military police and the guard and the administrative company) would be relocated from Asmara to the Ethiopian side, leaving only a small liaison office in Asmara. In addition, some military units, including the level-II hospital, would be relocated to adjacent areas south of the Temporary Security Zone. United Nations troops currently stationed in the Zone would remain in place, if allowed to operate by the Eritrean authority. However, this option would require increased cross-border activity by the Mission, which would be dependent on the full cooperation of Eritrea and Ethiopia and could entail serious logistical and operational challenges.

27. If UNMEE is to maintain an office in Asmara and to be present inside the Temporary Security Zone, Eritrea's cooperation would be indispensable. UNMEE would also need to be given freedom of movement to carry out patrols from team sites and the nine contingent posts located in Ethiopia. In addition, this option would require the consent of Ethiopia to redeploy most of the Mission's resources south of the Zone.

Option III

28. The third option would be to transform UNMEE into an observer mission supported by a smaller military protection force. This would imply reducing the strength of the Force from the current 2,300 to 800 personnel (160 military observers and 640 troops, including support elements). This option would entail the removal of all permanent observer team sites and contingent posts from inside the Temporary Security Zone. The main task of the military observers would be to focus on limited permanent monitoring of the Zone from deployment sites located outside it. Subject to the cooperation of the parties, the military observers would undertake periodic patrols and challenge inspections inside the Zone. The focus would continue to be on the major access routes.

29. Under this option, observer team sites would be supported by six contingent posts that would provide the military observers with protection, as well as administrative and logistic support. The proposed six locations would include three posts at Barentu, Humera and Maileba, in Sector West; two posts at Adigrat and Asmara, in Sector Centre; and one post at Assab, in sub-Sector East. The range of monitoring patrols and challenge inspections would be reduced to ensure that United Nations staff members were not unnecessarily placed at risk beyond the capacity of the Mission's response elements. The effectiveness of this arrangement would depend on the full cooperation of the parties. If, however, one party would refuse to cooperate with the United Nations or impose restrictions on its activities, under this arrangement, the observer mission would operate only from one side.

Option IV

30. Under the fourth option, UNMEE would be converted into a small liaison mission maintaining offices in Addis Ababa and Asmara. The main task would be to maintain liaison with the political and military leadership of the parties.

31. This option would entail the deployment of some 30-40 military liaison officers with adequate civilian contracted aviation support. These military officers, together with political liaison officers, would be deployed in each capital. Forward liaison posts could also be established in both countries. As in any option involving United Nations deployment in Eritrea, even a small mission could continue to face severe operational restrictions undermining its effectiveness. In addition, this would provide only a very limited assessment capacity of the situation on the ground.

IV. Observations

32. It has been more than six years since UNMEE was established by the Security Council by its resolution 1320 (2000) of 15 September 2000 and more than five years since the Temporary Security Zone was formally set up in April 2001. On 13 April 2002, the Eritrea-Ethiopia Boundary Commission rendered its delimitation decision and its mandate required the Boundary Commission to proceed to the expeditious and full demarcation of the border. At that time, the commitment to the peace process that had been demonstrated by the parties gave hope for a definitive resolution of their border dispute within a relatively short period of time. Cooperation by the parties with the Commission was not only assumed, but indeed essential to the implementation of the delimitation decision. However, cooperation has progressively waned since 2003, when Ethiopia, in response to the Commission's decision, emphasized "the necessity of conducting the demarcation in a manner that takes into account the human and physical geography through the study of facts on the ground". With respect to Eritrea, cooperation began to deteriorate as harsh, humiliating impediments were placed on the work of UNMEE and its staff. This also affected the Boundary Commission's work on the ground.

33. Despite the engagement and efforts of the international community, the parties have demonstrated no political will for compromise. The two countries have also failed to fully implement Security Council resolution 1640 (2005), which offered yet another opportunity for them to break the dangerous stalemate in the peace process.

34. It should be emphasized that Ethiopia's refusal to implement the Boundary Commission's award fully, and without precondition, is contrary to widely accepted principles of international law. At the same time, as a result of the absence of dialogue between the parties, their failure to cooperate with the Commission, Eritrea's refusal to avail itself of recent diplomatic initiatives and the massive incursion of Eritrean troops into the Temporary Security Zone, tension on the ground has remained very high. The imposition of a long and deliberately humiliating list of restrictions by Eritrea on the operations of UNMEE have called into question the continued relevance of the Mission and have exacerbated the tension in the border area.

35. At the same time, the combined effect of the crippling Eritrean restrictions presents a serious challenge to several core principles of United Nations

peacekeeping, in particular the safety of its personnel, the need for freedom of movement, the exclusively international character of the personnel working under the flag of the Organization and the prerogative of the Secretary-General to appoint the required staff. UNMEE has had to operate under unacceptable conditions for far too long, and I fear that, were this to be allowed to continue, it could indeed have very serious implications for the wider concept of peacekeeping.

36. In the present very precarious circumstances, UNMEE can regrettably ensure only a very limited observation of the security arrangements in the Temporary Security Zone and other commitments that the parties undertook in the Algiers Agreement. UNMEE can observe no more than 40 per cent of the Zone and the Mission is no longer in a position to monitor the Eritrean forces in their redeployed positions. Furthermore, given the parties' lack of cooperation with the Boundary Commission, prospects for the capacity of UNMEE to assist the Commission in the implementation of its delimitation decision remain problematic.

37. At the same time, despite the deliberately negative attitude towards the United Nations operation and individual peacekeepers, the presence of these brave men and women and their determination to serve the cause of peace remain a political, operational and psychological obstacle to a precipitous action that could result from the current situation where the two armies are already directly facing each other, without a separation zone. This factor remains an impediment for those who would want the situation to escalate even further, with possible consequences for both countries and the overall security in the region. Despite its reduced relevance, the presence of UNMEE can still help to some extent to reduce the risk of the conflict inadvertently flaring up again. I trust that the Security Council will keep this consideration in mind as it takes a decision on the future of the Mission.

38. In this context, I welcome the decision taken by the Eritrea-Ethiopia Boundary Commission on 27 November, which will give the parties an additional 12 months, terminating at the end of November 2007, to reflect on their respective positions and to try to reach the necessary agreement on the emplacement of the boundary pillars. This important decision of the Boundary Commission should also be taken into account in considering the possible options for the future of the Mission. In view of the above, the Security Council may wish to authorize the implementation of option I. If, however, there is no progress in the coming months towards the carrying out of the Commission's recommendation, the Council could then consider converting the United Nations operation into an observer or liaison mission.

39. In conclusion, I wish to express my gratitude to my Acting Special Representative, Azouz Ennifar, and to the UNMEE civilian and military personnel for their continued commitment and hard work, under very difficult and increasingly inhospitable and even dangerous conditions. I would also like to thank all the Mission's partners, including the United Nations country teams and humanitarian agencies, the Member States involved, the African Union and other international organizations for the support they continue to render to this peace process.

Enclosure

ERITREA-ETHIOPIA BOUNDARY COMMISSION

STATEMENT BY THE COMMISSION

1. This Statement is issued by the Eritrea-Ethiopia Boundary Commission ("the Commission") following its meeting in private session in The Hague on 20 November 2006 to consider the further procedures to be followed in connection with the demarcation of the boundary between Eritrea and Ethiopia. Invitations to the Parties were issued by e-mail on 8 November 2006. Both Parties declined the Commission's invitation. Part of the meeting was attended by representatives of the following Witnesses to the Algiers Agreement of 12 December 2000: the Secretary-General of the United Nations, the European Union, the United States of America and the People's Democratic Republic of Algeria.
2. By the Algiers Agreement, the Parties established the Commission to delimit and demarcate the border between them on the basis of the pertinent colonial treaties and applicable international law. The Parties stipulated that "the delimitation and demarcation determinations of the Commission shall be final and binding" and agreed that "each Party shall respect the border so determined, as well as the territorial integrity and sovereignty of the other Party".
3. The Parties evidently considered the completion of the task of delimitation as urgent, because they provided in Article 4(12) of the Agreement that the delimitation should be completed within six months of the first meeting of the Commission. The Commission recognised that a similar sense of urgency attached to the demarcation process; Article 4(13) of the Algiers Agreement called upon the Commission to arrange for "expeditious demarcation". The terms of the Algiers Agreement, and its object and purpose, preclude leaving the boundary undemarcated for a prolonged period or indefinitely.¹
4. The constitution of the Commission was completed on 20 February 2001 and the Commission immediately entered upon its task. After the receipt and study of substantial written pleadings, and having heard the oral arguments of the Parties, the Commission delivered the Delimitation Decision of 13 April 2002. This identified the principal features of the boundary line, accompanied by a list of coordinates identifying the points through which the boundary runs. When the Delimitation Decision was rendered, both Parties promptly announced their acceptance of it. Thereupon, the Commission undertook the steps necessary to initiate the process of demarcation.

¹ The Commission recalls the observation of the Court of Arbitration in the *Beagle Channel* case – albeit in a somewhat different context: "It is not admissible that, because of the total non-cooperation of one of the Parties, contrary to its obligation under a valid Award, the Court should be compelled to remain indefinitely in existence in a state of suspended animation". (See 52 *International Law Reports* 284.) The present case is not one involving the total non-cooperation of one Party, but rather the non-cooperation of both Parties, though in differing ways and degrees. Thus, the observation of the *Beagle Channel* tribunal applies *a fortiori*.

5. On 8 July 2002, in accordance with Article 30(1) of its Rules of Procedure, the Commission promulgated the Demarcation Directions. These were revised in November 2002 and in March and July 2003. In implementation of their obligations under these Directions, the Parties appointed Liaison Representatives and Field Liaison Officers to facilitate the participation by each Party in identifying sites for the emplacement of boundary pillars. The Commission established its Field Offices in Asmara and Addis Ababa in November 2001 and in Adigrat in July 2002. It also appointed a Chief Surveyor in October 2001 and a Special Consultant in May 2002 to provide technical advice and assistance to the Commission. The Chief Surveyor took up residence in Asmara on 15 November 2001. Surveying staff were recruited to assist him.
6. Initially, it was envisaged by the Commission, as reflected in the Demarcation Directions of 8 July 2002, that the task of demarcation would entail the emplacement of pillars as markers of the line of the boundary specified in the Delimitation Decision. On this basis, the Demarcation Instructions were issued on 21 March and 22 August 2003. Steps were taken towards the negotiation of contracts for the construction and emplacement of pillars.
7. On 24 January 2003, in response to a request by the Commission for comments on the draft 1:25,000 maps, Ethiopia filed a memorandum setting out at length its views on the process of demarcation. It emphasised the necessity of conducting the demarcation in a manner that takes into consideration the human and physical geography through the study of the facts on the ground.² It contended that, in the process of demarcation, alterations or adjustments of the delimited boundary should be made so as principally to eliminate those situations in which villages were divided or roads were cut by the boundary. The Commission later ruled that most of these contentions were inadmissible. Eritrea, for its part, insisted that the line described in the Delimitation Decision should be applied without any change. In paragraph 20 of the "Observations" which the Commission conveyed to the Parties on 21 March 2003, the Commission stated its view that, in the absence of express authorisation by the Parties, it lacked the authority to vary the delimited boundary line except in cases of "manifest impracticability". It also indicated that the description of certain parts of the boundary in the Dispositif of the Delimitation Decision would need to be completed when, as foreseen in that Decision, the Commission had received necessary information from the Special Consultant and the Chief Surveyor, in particular in relation to Tserona, Zalambessa and Bure.
8. On the basis of the colonial treaties, the application of which was prescribed in the Algiers Agreement, the demarcation of the boundary was approached in three sectors (Western, Central and Eastern), as had been the delimitation. Demarcation began in the Eastern Sector in March 2003 and the location of pillars was established through field assessment with the cooperation of both Parties by August 2003. A set of marked maps showing proposed boundary pillar sites in this Sector was sent to the Parties for comment. Eritrea accepted these

² Submission by the Federal Democratic Republic of Ethiopia, 24 January 2003, Comments Pursuant to the December 2000 Agreement, the Commission's Rules of Procedure, the Commission's Demarcation Directions and Instructions provided at the Boundary Commission's Meeting on 6 and 7 November 2002, p. 61-74.

marked maps of the Eastern Sector but Ethiopia did not respond. As the failure of a Party to participate could not prevent the Commission from performing its function, after the expiry of the period which the Commission gave to the Parties for comment on these maps the Commission adopted specific boundary points that could serve as locations for the emplacement of pillars in that Sector. These locations extended from the Djibouti border in the east to the Salt Lake in the north-west. Some of these locations departed from the boundary line as prescribed in the Delimitation Decision. The possibility of such variation was foreseen in the 1908 Treaty relating to the Eastern Sector (alone among the three treaties with such a permissive provision) and was necessary in view of the exceptional nature of the terrain. Despite these variations, each Party still ended up in effect with the same amount of territory as had been awarded to it by the Delimitation Decision.

9. The Commission encountered difficulties that were posed by the Parties when it was about to commence demarcation in the Central and Western Sectors. Although Ethiopia agreed that the Commission could continue with pillar emplacement in the Eastern Sector, it was not prepared to allow demarcation to begin in the Central and Western Sectors. Eritrea would not agree to pillar emplacement in the Eastern Sector unless demarcation work was begun simultaneously in the Central and Western Sectors.
10. More particularly, the obstacles from the Ethiopian side took various forms: prohibiting field-work within the territory under its control, thus impeding the survey of ground control points for the aerial photography and the secondary datum survey (April to July 2002); filing extensive comments on the Delimitation Decision, amounting to an attempt to reopen elements of the substance of that Decision, instead of limiting itself to the requested comments on the draft 1:25,000 maps (January 2003); alleging that the Field Liaison Officers appointed by Eritrea were intelligence officers and refusing to allow field work to continue in Ethiopian territory, then failing to appoint ad hoc Field Liaison Officers within the prescribed time limit following the Commission's Order of 9 February 2003 so as to allow field work to resume without further delay (January to February 2003); failing to appoint new Field Liaison Officers for the remaining demarcation activities following the Commission's Decision pursuant to Article 15B of the Demarcation Directions (July 2003 to March 2006); failing to provide assurances for the security of all demarcation personnel (August 2003 to the present); failing to comment on maps which indicated the pillar locations in the Eastern Sector (September 2003); repeatedly refusing to authorise necessary flight requests lodged by the Chief Surveyor; eventually limiting the Commission's field work to the Eastern Sector by statements that the ad hoc Field Liaison Officers would only be permitted to operate in the Eastern Sector; complaining to the Secretary-General of the United Nations of what Ethiopia termed "illegal, unjust and irresponsible decisions" of the Commission in respect of Badme and parts of the Central Sector, and proposing that the Security Council set up an alternative mechanism to demarcate the parts of the boundary it contested (September 2003); denouncing in that same letter the Commission's Delimitation Decision by stating that it would only recognise the southern boundary of the Temporary Security Zone ("TSZ") as the international boundary; failing to provide assurances for the security of the contractors selected for the emplacement and as-built survey of the boundary pillars (September to October 2003); rejecting the

Commission's invitation to attend a meeting on 5 November 2003, claiming that the notice was too short and that there was no likelihood of anything being achieved (October 2003); refusing to permit any work to be carried out by the Commission's field staff in the Western and Central Sectors until the boundary in the Eastern Sector had been demarcated and subject to Ethiopia's approval of the Commission's method of demarcation (November 2003); failing to make prompt payment of its share of the Commission's expenses (February 2004 to February 2005); rejecting the Commission's invitation to a meeting to be held on 22 February 2005 on the ground that the meeting was premature, would be unproductive and could have an adverse impact on the demarcation process, as a result of which the Commission was obliged to cancel the meeting (February 2005); failing again to meet its financial obligations (May 2006 to the present); introducing qualifications to its previously unqualified acceptance of the final and binding quality of the Delimitation Decision (17 May 2006); failing to respond to the Commission's request for assurances of freedom of movement and security for its staff travelling to the region to reopen the Commission's Field Offices (July to August 2006); and failing to respond to the Commission's invitation to a rescheduled meeting on 24 August 2006.

11. After initial cooperation, Eritrea also began to raise obstacles. In October 2003, it informed the Chief Surveyor that it would withdraw its arrangements for the provision of security in the Eastern Sector if the contract then under negotiation for the emplacement of pillars did not cover the entire boundary as determined in the Delimitation Decision; it repeated its position at the meeting of the Commission on 19 November 2003, objecting to the continuance of demarcation in the Eastern Sector unless at the same time the work foreseen in the Western and Central Sector would continue concurrently; it impeded in a number of ways the ability of the United Nations Mission in Ethiopia and Eritrea ("UNMEE") to provide necessary assistance to the Commission's staff in the field; its conduct in October 2005 occasioned a reference in Security Council resolution 1640 to Eritrea's restriction of "all types of UNMEE helicopter flights within Eritrean airspace or coming to Eritrea, effective as of 5 October 2005, and the additional restrictions on UNMEE's freedom of movement imposed since then, which have serious implications for UNMEE's ability to carry out its mandate. . ."; on 6 December 2005, Eritrea sent a letter to UNMEE requesting members of UNMEE who were nationals of the United States of America, Canada and Europe, as well as the Russian Federation, to leave the country within ten days, a measure which occasioned a condemnatory statement by the President of the Security Council. In December 2005, the Security Council was led to relocate military and civilian staff of UNMEE from Eritrea to Ethiopia "solely in the interests of the safety and security of UNMEE staff. The lack of cooperation with UNMEE by the Eritrean authorities has produced conditions on the ground which prevent UNMEE implementing its mandate satisfactorily". (Statement by the President of the Security Council, 14 December 2005). This mandate included the provision of necessary assistance to the Commission's staff on the ground; in the Spring of 2006, Eritrea imposed far-reaching restrictions on UNMEE that had the effect of seriously impeding the resumption of operations by the Commission's field staff; it rejected the Commission's invitation to attend a meeting on 15 June 2006; instead, it sent a letter to the Commission stating that it was not prepared to continue its engagement, implying that the demarcation process was biased in favour of Ethiopia; in July 2006, it refused visas to the Commission's field staff who had been instructed to return to

Eritrea to reopen the Field Office there. Like Ethiopia, Eritrea did not respond to the Commission's request for it to attend a meeting on 24 August 2006. The foregoing course of conduct has, regrettably, also contributed significantly to the present impasse.

12. These difficulties have persisted, notwithstanding that the Commission has held meetings with the Parties on several occasions with a view to securing their agreement to the renewal of the field work in the demarcation process. The most recent meetings of the Commission with the Parties were held on 10 March 2006 and 17 May 2006. The 15 June 2006 meeting was cancelled due to Eritrea's refusal to attend. The Parties were invited to a meeting to have been held on 24 August 2006 and the Parties' replies to the invitation were requested by 10 August. No replies were forthcoming and attempts to contact the Parties by the Registrar of the Commission elicited no responses. In the meantime, the Commission had decided to reopen the Field Offices after obtaining the Parties' agreement at the 10 March 2006 meeting. These offices had been operating with a reduced staff since January 2004 and were eventually closed on 31 March 2005. However, when the Deputy Secretary of the Commission was dispatched to Addis Ababa in early August 2006 with a view to introducing the newly recruited Field Office staff to the local officials, she was unable to gain access to any relevant Ethiopian officials. The Commission had also instructed her to proceed to Eritrea, but she was advised by the Eritrean authorities not to attempt to enter Eritrea. It thus proved impossible to implement the Commission's decision to reopen all the Field Offices or reactivate the demarcation process as originally contemplated.
13. These developments, including the problems confronting the Commission as a result of the attitudes of the Parties, have all been reported to the Secretary-General of the United Nations at three-monthly intervals and have been passed on by him to the Security Council. The Security Council has on no less than fourteen occasions called upon the Parties to meet their obligations but has achieved no more success than the Commission.³
14. The frustration of the demarcation process as originally conceived has continued for nearly four years. There is no present sign that the Parties will change their positions in the reasonably proximate future. The United Nations Security Council by resolution 1710 called on the Parties to "cooperate fully with the EEBC" and "to implement completely and without further delay or preconditions the decision of the EEBC and to take concrete steps to resume the demarcation process". The Security Council specifically demanded that "Eritrea reverse, without further delay or preconditions, all restrictions on UNMEE's movement and operations" and that Ethiopia "accept fully and without delay the final and binding decision of the Eritrea-Ethiopia Boundary Commission and take immediately concrete steps to enable, without preconditions, the Commission to demarcate the border completely and promptly." The Commission, on 6 October 2006, wrote to the Parties asking them what steps they

³ S/RES/1398 (15 March 2002), S/RES/1430 (14 August 2002), S/RES/1466 (14 March 2003), S/RES/1507 (12 September 2003), S/RES/1531 (12 March 2004), S/RES/1560 (14 September 2004), S/RES/1586 (14 March 2005), S/RES/1622 (13 September 2005), S/RES/1640 (23 November 2005), S/RES/1661 (14 March 2006), S/RES/1670 (13 April 2006), S/RES/1678 (15 May 2006), S/RES/1681 (31 May 2006 and S/RES/1710 (29 September 2006).

intended to take to implement the foregoing requests of the Security Council. The Commission asked for replies by 22 October 2006. Eritrea replied on 22 October reiterating the position that it had previously taken to the effect that no progress could be made until Ethiopia stated without qualification that it accepted the boundary as determined by the Commission in its Decision of 13 April 2002. As yet, Ethiopia has not replied to that request. Both Parties declined to attend the meeting of the Commission called for 20 November 2006.

15. The present situation is, therefore, that, in the Eastern Sector, the boundary points for the pillar emplacements have been established but no pillars have been emplaced; in the Central and Western Sectors no pillar site assessment has been conducted and the Parties have not enabled the Commission to meet the deadlines set out in the various schedules of work it has promulgated for those sectors.
16. Up to the time of, and immediately following, the delimitation of the border in April 2002, the Commission approached its mandate to demarcate the boundary as requiring it actually to emplace pillars at the turning points of the boundary. This assumed that the necessary cooperation of the Parties would be forthcoming and that UNMEE would not be prevented from providing essential assistance.
17. The Algiers Agreement, in establishing the Commission, is a constitutional instrument creating an international institution and conferring on it functions and powers. As such, its interpretation must be approached in the same way as international organisations have regularly approached the interpretation of their constituent instruments, that is, by way of the concept of institutional "effectiveness". Even though the governing text may not explicitly empower the organisation to act in a particular manner, international law authorises, indeed requires, the organisation, should it find it necessary, if it is to discharge all its functions effectively, to interpret its procedures in a constructive manner directed towards achieving the objective the Parties are deemed to have had in mind. The same is true of international judicial organs. (*Territorial Dispute (Libyan Arab Jamahiriya/Chad)* Judgment, *ICJ Reports* 1994, pp. 6, 25 and the cases there cited in support of "one of the fundamental principles of the interpretation of treaties, consistently upheld by international jurisprudence, namely, that of effectiveness. . . .")
18. In the present case, the manifest objective was to bring the border dispute to an end at the earliest possible date by means of the identification of a boundary established by the prescribed colonial treaties and applicable international law with as much precision as could be achieved in the circumstances and without deciding *ex aequo et bono*.
19. Having carefully surveyed the alternatives now available to the Commission and having studied anew the written and oral presentations made to it by the Parties, the Commission feels obliged to adopt another approach to effect the demarcation of the boundary.
20. Modern techniques of image processing and terrain modelling make it possible, in conjunction with the use of high resolution aerial photography, to demarcate the course of the boundary by

identifying the location of turning points (hereinafter called "boundary points") by both grid and geographical coordinates with a degree of accuracy that does not differ significantly from pillar site assessment and emplacement undertaken in the field. The Commission has therefore identified by these means the location of points for the emplacement of pillars as a physical manifestation of the boundary on the ground.⁴ Although these techniques have been available for some time, the Commission has not resorted to them because the actual fixing of boundary pillars, if at all possible, was the demarcation method of first choice. However, it is only possible to demarcate a boundary by the fixing of boundary pillars with the full cooperation of both the States concerned. This has been completely lacking in the Central and Western Sectors and to some extent in the Eastern Sector.

21. In these circumstances, the Commission considers that the most practical way in which it can advance performance of its mandate is to provide the Parties with the list of boundary points that the Commission has identified by the techniques just mentioned along the whole length of the boundary. This list represents the locations at which, if the Commission were so enabled by the Parties, it would construct permanent pillars. This list and some explanatory comments are annexed to this Statement which is also accompanied by forty-five maps illustrating the boundary points. It may be noted that the boundary so illustrated does not differ significantly from the boundary identified in the Delimitation Decision. The areas of Tserona and Zalambessa have been clarified, as contemplated in the Delimitation Decision, by determining the environs of those two places and taking into account, insofar as relevant, manifest impracticabilities.
22. As the Commission evidently cannot remain in existence indefinitely, it proposes that the Parties should, over the next twelve months, terminating at the end of November 2007, consider their positions and seek to reach agreement on the emplacement of pillars. If, by the end of that period, the Parties have not by themselves reached the necessary agreement and proceeded significantly to implement it, or have not requested and enabled the Commission to resume its activity, the Commission hereby determines that the boundary will automatically stand as demarcated by the boundary points listed in the Annex hereto and that the mandate of the Commission can then be regarded as fulfilled. Until that time, however, it must be emphasised that the Commission remains in existence and its mandate to demarcate has not been discharged. Until such time as the boundary is finally demarcated, the Delimitation Decision of 13 April 2002 continues as the only valid legal description of the boundary.
23. In adopting this approach, the Commission has been guided by significant authority in State practice, following the use of the word "demarcation" by the United Nations Secretary-

⁴ A comparable, though not identical, situation arose in the *Argentina-Chile Frontier Case* (1966) (38 *International Law Reports* 10), where aerial photography was used to identify points on the boundary. In the Dispositif of the Report of the Tribunal, the boundary was described in part as following the thalweg "of the Encuentro to Point A at the Confluence". The following is attached to the text at this point: "The location of Point A and subsequent Points is shown on the diagram and air photographs incorporated in this Report. The diagram is not intended as an authoritative map. It is only an index to the air photographs. These photographs are the sole authority for the exact location of the points." (p. 98).

General and United Nations Security Council when the Iraq-Kuwait border was "demarcated" in 1993.

24. Following Security Council resolution 687 (1991), the United Nations Secretary-General established the Iraq-Kuwait Boundary Demarcation Commission ("the IKBDC"). The terms of reference of the IKBDC were "to demarcate in geographical coordinates of latitude and longitude" the international boundary:

*"The coordinates established by the [IKBDC] Commission will constitute the final demarcation of the international boundary The demarcation of the boundary between Iraq and Kuwait will be accomplished by drawing upon appropriate material, including the map transmitted by Security Council document S/22412, and by utilizing appropriate technology." (Emphasis supplied.)*⁵

25. The Security Council expressed support for the Secretary-General's report.⁶ No doubt was expressed as to the legal acceptability of a "demarcation" by means of a list of coordinates. Although arrangements for the physical representation of the boundary were also made, this physical representation did not replace the demarcation in the form of geographic coordinates but simply represented it on the ground. In its Final Report, the IKBDC stated:

*" . . . [It] has simply carried out the technical task necessary to demarcate for the first time the precise coordinates of the international boundary reaffirmed in the 1963 Agreed Minutes. To this end, the coordinates established by the Commission, as reproduced in Section XIII below, constitute the final demarcation of the international boundary between Iraq and Kuwait."*⁷

26. Moreover, the feasibility and acceptability of the use of coordinates alone as a means of identifying international boundaries is clearly affirmed by the manner in which the United Nations Convention on the Law of the Sea deals with the limits of maritime claims by States.
27. The fact that the present Commission began its demarcation activity in terms of the location and construction of fixed pillars does not mean that it is precluded from following another course when confronted by the lack of necessary cooperation by the Parties, nor, in the circumstances described, do the Commission's Rules of Procedure, Demarcation Directions and Demarcation Instructions, originally adopted on the assumption of full cooperation of both

⁵ U.N. doc. S/22558, Report of the Secretary-General regarding paragraph 3 of Security Council resolution 687 (1991), paras. 3-4, 2 May 1991.

⁶ Final Report on the Demarcation of the International Boundary between the Republic of Iraq and the State of Kuwait by the United Nations Iraq-Kuwait Boundary Demarcation Commission, S/25811, para. 13; also reproduced in 94 *International Law Reports* 1.

⁷ *Ibid.*, para. 112.

Parties, remain controlling. To the extent of any incompatibility between those procedural texts and the approach now to be adopted, the latter will prevail.

28. During the coming twelve months, the Commission will remain willing to provide assistance in emplacing the boundary pillars if the Parties jointly so request and provide assurances of cooperation and security.

(Signed) Sir Elihu Lauterpacht CBE QC
President of the Commission
27 November 2006

ERITREA-ETHIOPIA BOUNDARY COMMISSION**ANNEX TO THE COMMISSION'S STATEMENT OF 27 NOVEMBER 2006****LIST OF BOUNDARY POINTS AND COORDINATES**

1. The boundary points listed below, and as illustrated on the accompanying 1:25,000 maps, fall into two categories: fixed points and movable points.¹
2. The fixed boundary points are located on land. Each is identified by its grid and geographical coordinates accurate to one metre and is illustrated on the maps by the conventional sign of a small square enclosing a dot. Fixed points adjacent to rivers are located a short distance from the river bank so as to avoid the effects of flooding or river movements.
3. The movable boundary points represent the turning points of the boundary which fall within rivers. As the boundary in rivers follows the middle of the main channel and may move from time to time, these turning points cannot be fixed permanently. They are marked on the illustrative maps by small circles which indicate the location of these points at the time of the aerial photography.
4. These movable points are to be found at the confluence of two rivers, or at the intersection between the middle of the main channel of the river and the extension riverwards of the straight line between the nearest fixed boundary point and the next or preceding fixed boundary point.
5. The list of coordinates is presented in eight columns.

Column 1 contains the numbers of the boundary points which are covered by each set of coordinates or are otherwise described.

Column 2 contains the numbers of the points identified in Maps 10, 11 and 12 that illustrate the Delimitation Decision of 13 April 2002. These are referred to below simply as "Points".

Columns 3 and 4 contain the Universal Transverse Mercator ("UTM") grid coordinates of each boundary point, not otherwise described, in the following projection:

Projection:	UTM Zone 37 extended eastward
Geodetic Datum:	Eritrea Ethiopia Boundary Datum 2002 (EEBD2002)
Longitude of Origin:	39° E
Latitude of Origin:	0° N

¹ A simplified map only for convenience of reference appears at the end of this Annex.

False Easting: 500,000m E
 False Northing: 0m N
 Unit of Measurement: Metre

Columns 5 and 6 contain the geographical coordinates in degrees of latitude and longitude in terms of the Commission's geodetic datum, EEBD2002.

Column 7 contains occasional descriptions of the location of the particular boundary point and an indication of the course of the boundary to the next boundary point.

Column 8 contains the number of the 1:25,000 map sheet on which the boundary point is located.

LIST OF BOUNDARY POINTS AND COORDINATES

Col 1	Col 2	Col 3	Col 4	Col 5	Col 6	Col 7	Col 8
Boundary Point	Point	UTM Grid		Latitude/Longitude		Onward Course of Boundary	1:25,000 Sheet
		East	North	North	East		
1	1	Setit opposite Western Tripoint				Boundary continues along middle of main channel of Setit to BP2.	1
2	6	Confluence of Setit and Tomsa				Middle of main channel of Setit is connected to BP3 by straight-line extension of the line from BP4 to BP3.	8
3		341211	1568706	14°11'06.6"	37°31'42.8"	Short distance from north bank of Setit at its confluence with Tomsa. Boundary continues in a straight line to BP4.	8
4		382976	1646771	14°53'34.6"	37°54'43.5"	Short distance from south bank of Mareb at its confluence with Mai Ambessa. Boundary continues to middle of main channel of Mareb by straight-line extension of the line from BP3 to BP4.	13
5	9	Confluence of Mareb and Mai Ambessa				Boundary continues along middle of main channel of Mareb to BP6.	13

Col 1	Col 2	Col 3	Col 4	Col 5	Col 6	Col 7	Col 8
Boundary Point	Point	UTM Grid		Latitude/Longitude		Onward Course of Boundary	1:25,000 Sheet
		East	North	North	East		
6	11	Confluence of Mareb and Belesa				Boundary continues along middle of main channel of Belesa to BP7.	20
7	12	Confluence of Belesa A and Belesa B				Boundary continues along middle of main channel of Belesa B to BP8.	20
8		Intersection of Belesa B and straight-line extension from BP9				Boundary turns inland to BP9.	21
9		518200	1619525	14°38'56.9"	39°10'08.4"	Boundary continues in a straight line to BP10.	21
10		518084	1619354	14°38'51.3"	39°10'04.6"	Boundary continues in a straight line to BP11.	21
11		517846	1619000	14°38'39.8"	39°09'56.6"	Boundary continues in a straight line to BP12.	21
12		517527	1618587	14°38'26.3"	39°09'45.9"	Boundary continues in a straight line to BP13.	21
13		517015	1617901	14°38'04.0"	39°09'28.8"	Boundary continues in a straight line to BP14.	21
14		516908	1617055	14°37'36.5"	39°09'25.2"	Boundary continues in a straight line to BP15.	21
15		516975	1616040	14°37'03.4"	39°09'27.4"	Boundary continues in a straight line to BP16.	21
16		517108	1615604	14°36'49.2"	39°09'31.9"	Boundary continues in a straight line to BP17.	21
17		516951	1615014	14°36'30.0"	39°09'26.6"	Boundary continues in a straight line to BP18.	21
18		518552	1613592	14°35'43.7"	39°10'20.1"	Boundary continues in a straight line to BP19.	21
19		518987	1613202	14°35'31.0"	39°10'34.6"	Boundary continues in a straight line to BP20.	21
20		519192	1612392	14°35'04.6"	39°10'41.4"	Boundary continues in a straight line to BP21.	21
21		520493	1611489	14°34'35.2"	39°11'24.9"	Boundary continues in a straight line to BP22.	21
22		521013	1611023	14°34'20.0"	39°11'42.3"	Boundary continues in a straight line to BP23.	21

Col 1	Col 2	Col 3	Col 4	Col 5	Col 6	Col 7	Col 8
Boundary Point	Point	UTM Grid		Latitude/Longitude		Onward Course of Boundary	1:25,000 Sheet
		East	North	North	East		
23		522112	1610262	14°33'55.2"	39°12'19.0"	Boundary continues in a straight line to BP24.	21
24		523922	1610332	14°33'57.5"	39°13'19.5"	Boundary continues in a straight line to BP25.	21
25		525826	1610053	14°33'48.3"	39°14'23.1"	Boundary continues to middle of main channel of Belesa B by straight-line extension of the line from BP24 to BP25.	21
26		Intersection of Belesa B and straight-line extension from BP25				Boundary continues along middle of main channel of Belesa B to BP27.	21
27	14	Confluence of Belesa B and the tributary flowing from BP28				Boundary continues along middle of main channel of the tributary to BP28.	22
28	15	526864	1599914	14°28'18.3"	39°14'57.4"	Source of the tributary mentioned in BP27. Boundary continues in a straight line to BP29.	22
29	16	526401	1599206	14°27'55.2"	39°14'41.9"	Source of a tributary of Belesa A. Boundary continues along middle of main channel of the tributary to BP30.	22
30	17	Confluence of Belesa A and the tributary flowing from BP29				Boundary continues along middle of main channel of Belesa A to BP31.	22
31		Confluence of Belesa A and the tributary flowing from BP32				Boundary continues along middle of main channel of the tributary to BP32.	22
32		529176	1594815	14°25'32.2"	39°16'14.4"	Source of the tributary mentioned in BP31. Boundary continues in a straight line to BP33.	22
33		529308	1595256	14°25'46.6"	39°16'18.9"	Source of a tributary of Belesa B. Boundary continues along middle of main channel of the tributary to BP34.	22

Col 1	Col 2	Col 3	Col 4	Col 5	Col 6	Col 7	Col 8
Boundary Point	Point	UTM Grid		Latitude/Longitude		Onward Course of Boundary	1:25,000 Sheet
		East	North	North	East		
34		530761	1597627	14°27'03.7"	39°17'07.5"	On edge of east bank of Belesa B opposite the tributary mentioned in BP33. Boundary continues in a straight line to BP35.	22
35		531658	1598412	14°27'29.2"	39°17'37.5"	Boundary continues in a straight line to BP36.	22
36		531846	1599274	14°27'57.2"	39°17'43.8"	Boundary continues in a straight line to BP37.	22
37		532474	1599718	14°28'11.7"	39°18'04.8"	Boundary continues in a straight line to BP38.	22
38		533846	1599802	14°28'14.3"	39°18'50.6"	Boundary continues in a straight line to BP39.	22
39		535023	1599814	14°28'14.7"	39°19'29.9"	Boundary continues in a straight line to BP40.	23
40		536051	1599537	14°28'05.6"	39°20'04.3"	Boundary continues in a straight line to BP41.	23
41		537336	1599320	14°27'58.5"	39°20'47.2"	Boundary continues in a straight line to BP42.	23
42		536950	1599806	14°28'14.3"	39°20'34.3"	Boundary continues in a straight line to BP43.	23
43		536902	1600399	14°28'33.6"	39°20'32.7"	Boundary continues in a straight line to BP44.	23
44		536398	1601176	14°28'58.9"	39°20'15.9"	Boundary continues in a straight line to BP45.	23
45		535430	1602185	14°29'31.8"	39°19'43.7"	Boundary continues in a straight line to BP46.	23
46		535413	1602382	14°29'38.2"	39°19'43.1"	Boundary continues in a straight line to BP47.	23
47		535942	1602200	14°29'32.3"	39°20'00.8"	Boundary continues in a straight line to BP48.	23
48		537041	1601817	14°29'19.8"	39°20'37.5"	Boundary continues in a straight line to BP49.	23
49		537273	1601661	14°29'14.7"	39°20'45.2"	Boundary continues in a straight line to BP50.	23
50		537455	1601546	14°29'10.9"	39°20'51.3"	Boundary continues in a straight line to BP51.	23
51		537983	1601199	14°28'59.6"	39°21'08.9"	Boundary continues in a straight line to BP52.	23

Col 1	Col 2	Col 3	Col 4	Col 5	Col 6	Col 7	Col 8
Boundary Point	Point	UTM Grid		Latitude/Longitude		Onward Course of Boundary	1:25,000 Sheet
		East	North	North	East		
52		538798	1601208	14°28'59.9"	39°21'36.1"	Boundary continues in a straight line to BP53.	23
53		538528	1602662	14°29'47.2"	39°21'27.2"	Boundary continues in a straight line to BP54.	23
54		539482	1602526	14°29'42.7"	39°21'59.0"	Boundary continues in a straight line to BP55.	23
55		538493	1603778	14°30'23.5"	39°21'26.1"	Boundary continues in a straight line to BP56.	23
56		538352	1604031	14°30'31.8"	39°21'21.4"	Boundary continues in a straight line to BP57.	23
57		538843	1604759	14°30'55.4"	39°21'37.8"	Boundary continues in a straight line to BP58.	23
58		538562	1606101	14°31'39.1"	39°21'28.5"	Boundary continues in a straight line to BP59.	23
59		538888	1606728	14°31'59.5"	39°21'39.4"	Boundary continues in a straight line to BP60.	23
60		539045	1606574	14°31'54.5"	39°21'44.7"	Boundary continues in a straight line to BP61.	23
61		539279	1606370	14°31'47.8"	39°21'52.5"	Boundary continues in a straight line to BP62.	23
62		539719	1605996	14°31'35.7"	39°22'07.1"	Boundary continues in a straight line to BP63.	23
63		540025	1606770	14°32'00.8"	39°22'17.4"	Boundary continues in a straight line to BP64.	23
64		539924	1607174	14°32'14.0"	39°22'14.1"	Boundary continues in a straight line to BP65.	23
65		540196	1607425	14°32'22.2"	39°22'23.2"	Boundary continues in a straight line to BP66.	23
66		540494	1607249	14°32'16.4"	39°22'33.1"	Boundary continues in a straight line to BP67.	23
67		541100	1607527	14°32'25.4"	39°22'53.4"	Boundary continues in a straight line to BP68.	23
68		541268	1607568	14°32'26.8"	39°22'59.0"	Boundary continues in a straight line to BP69.	23
69		541651	1607389	14°32'20.9"	39°23'11.8"	Boundary continues in a straight line to BP70.	23
70		541693	1607200	14°32'14.7"	39°23'13.2"	Boundary continues in a straight line to BP71.	23
71		541790	1607153	14°32'13.2"	39°23'16.4"	Boundary continues in a straight line to BP72.	23

Col 1	Col 2	Col 3	Col 4	Col 5	Col 6	Col 7	Col 8
Boundary Point	Point	UTM Grid		Latitude/Longitude		Onward Course of Boundary	1:25,000 Sheet
		East	North	North	East		
72		541889	1607223	14°32'15.5"	39°23'19.7"	Boundary continues in a straight line to BP73.	23
73		541925	1607352	14°32'19.7"	39°23'20.9"	Boundary continues in a straight line to BP74.	23
74		542174	1607363	14°32'20.0"	39°23'29.3"	Boundary continues in a straight line to BP75.	23
75		542429	1607514	14°32'24.9"	39°23'37.8"	Boundary continues in a straight line to BP76.	23
76		542497	1607743	14°32'32.4"	39°23'40.1"	Boundary continues in a straight line to BP77.	23
77		542848	1607862	14°32'36.2"	39°23'51.8"	Boundary continues in a straight line to BP78.	23
78		543091	1607563	14°32'26.5"	39°23'59.9"	Boundary continues in a straight line to BP79.	23
79		543456	1607159	14°32'13.3"	39°24'12.1"	Boundary continues in a straight line to BP80.	23
80		543594	1606743	14°31'59.8"	39°24'16.7"	Boundary continues in a straight line to BP81.	23
81		543567	1606395	14°31'48.4"	39°24'15.8"	Boundary continues in a straight line to BP82.	23
82		543757	1605931	14°31'33.3"	39°24'22.1"	Boundary continues in a straight line to BP83.	23
83		544165	1605991	14°31'35.3"	39°24'35.7"	Boundary continues in a straight line to BP84.	23
84		544782	1606036	14°31'36.7"	39°24'56.3"	Boundary continues in a straight line to BP85.	23
85		544975	1605998	14°31'35.4"	39°25'02.8"	Boundary continues in a straight line to BP86.	23
86		544890	1605456	14°31'17.8"	39°24'59.9"	Boundary continues in a straight line to BP87.	23
87		544881	1605184	14°31'08.9"	39°24'59.6"	Boundary continues in a straight line to BP88.	23
88		544981	1604979	14°31'02.3"	39°25'02.9"	Boundary continues in a straight line to BP89.	23
89		545071	1604867	14°30'58.6"	39°25'05.9"	Boundary continues in a straight line to BP90.	23
90		545163	1604573	14°30'49.0"	39°25'09.0"	Boundary continues in a straight line to BP91.	23
91		545599	1604717	14°30'53.7"	39°25'23.5"	Boundary continues in a straight line to BP92.	23

Col 1	Col 2	Col 3	Col 4	Col 5	Col 6	Col 7	Col 8
Boundary Point	Point	UTM Grid		Latitude/Longitude		Onward Course of Boundary	1:25,000 Sheet
		East	North	North	East		
92		546708	1604848	14°30'57.9"	39°26'00.6"	Boundary continues in a straight line to BP93.	23
93		548228	1603658	14°30'19.1"	39°26'51.3"	Boundary continues in a straight line to BP94.	23
94		549224	1603811	14°30'24.0"	39°27'24.6"	Boundary continues in a straight line to BP95.	23
95		550285	1603913	14°30'27.2"	39°28'00.0"	Boundary continues in a straight line to BP96.	23
96		550952	1603096	14°30'00.6"	39°28'22.3"	Boundary continues in a straight line to BP97.	23
97		552040	1603343	14°30'08.6"	39°28'58.6"	Boundary continues in a straight line to BP98.	23
98		552740	1603656	14°30'18.7"	39°29'22.0"	Boundary continues in a straight line to BP99.	23
99		553191	1603340	14°30'08.4"	39°29'37.1"	Boundary continues in a straight line to BP100.	23
100		553273	1602765	14°29'49.7"	39°29'39.8"	Boundary continues in a straight line to BP101.	23
101		553334	1602011	14°29'25.1"	39°29'41.8"	Boundary continues in a straight line to BP102.	23
102		553325	1601557	14°29'10.4"	39°29'41.4"	Boundary continues in a straight line to BP103.	23
103		553435	1601320	14°29'02.6"	39°29'45.1"	Boundary continues to middle of main channel of Muna/Berbero Gado by straight-line extension of the line from BP102 to BP103.	23
104		Intersection of Muna/Berbero Gado and straight-line extension from BP103				Boundary continues along middle of main channel of Muna/Berbero Gado to BP105.	23
105	21	Confluence of Muna/Berbero Gado and Enda Dashim				Boundary continues along middle of main channel of Enda Dashim to BP106.	24
106	22	Confluence of Enda Dashim and the tributary flowing from BP107				Boundary continues upstream along middle of main channel of the tributary to BP107.	24

Col 1	Col 2	Col 3	Col 4	Col 5	Col 6	Col 7	Col 8
Boundary Point	Point	UTM Grid		Latitude/Longitude		Onward Course of Boundary	1:25,000 Sheet
		East	North	North	East		
107	24	557018	1610448	14°33'59.5"	39°31'45.5"	Source of the tributary mentioned in BP106. Boundary continues in a straight line to BP108.	24
108	25	557309	1612351	14°35'01.4"	39°31'55.4"	Source of a tributary of Endeli. Boundary continues along middle of main channel of the tributary to BP109.	24
109	26	Confluence of Endeli and the tributary flowing from BP108				Boundary continues along middle of main channel of Endeli/Ragali to BP110.	24
110		Middle of main channel of Ragali nearest BP111				Boundary continues to BP111 by the shortest line.	28
111	30	623635	1607676	14°32'21.3"	40°08'51.1"	Boundary continues in a straight line to BP112.	28
112	31	630815	1590835	14°23'12.0"	40°12'48.0"	Point at which the boundary under the 1900 Treaty reaches the Salt Lake and where the boundary under the 1908 Treaty starts. Boundary continues in a straight line to BP113.	29
113		635777	1593605	14°24'41.3"	40°15'34.2"	Boundary continues in a straight line to BP114.	29
114		648180	1587363	14°21'15.9"	40°22'27.0"	Boundary continues in a straight line to BP115.	30
115		656580	1582220	14°18'26.8"	40°27'06.3"	Boundary continues in a straight line to BP116.	30
116		669700	1578050	14°16'08.4"	40°34'23.2"	Boundary continues in a straight line to BP117.	31
117		682070	1573240	14°13'29.0"	40°41'14.7"	Boundary continues in a straight line to BP118.	31
118		695208	1567549	14°10'20.7"	40°48'31.4"	Boundary continues in a straight line to BP119.	32
119		702195	1563439	14°08'05.2"	40°52'23.3"	Boundary continues in a straight line to BP120.	33
120		709697	1557620	14°04'53.9"	40°56'31.8"	Boundary continues in a straight line to BP121.	33

Col 1	Col 2	Col 3	Col 4	Col 5	Col 6	Col 7	Col 8
Boundary Point	Point	UTM Grid		Latitude/Longitude		Onward Course of Boundary	1:25,000 Sheet
		East	North	North	East		
121		715424	1550343	14°00'55.6"	40°59'40.6"	Boundary continues in a straight line to BP122.	33
122		723722	1536679	13°53'28.8"	41°04'13.1"	Boundary continues in a straight line to BP123.	34
123		728700	1529698	13°49'40.3"	41°06'56.8"	Boundary continues in a straight line to BP124.	35
124		734656	1518798	13°43'44.0"	41°10'11.8"	Boundary continues in a straight line to BP125.	35
125		737647	1515754	13°42'04.1"	41°11'50.4"	Boundary continues in a straight line to BP126.	36
126		743336	1509458	13°38'37.6"	41°14'57.7"	Boundary continues in a straight line to BP127.	36
127		749681	1502409	13°34'46.4"	41°18'26.5"	Boundary continues in a straight line to BP128.	36
128		759980	1493976	13°30'08.9"	41°24'06.2"	Boundary continues in a straight line to BP129.	37
129		764903	1492478	13°29'18.6"	41°26'49.3"	Boundary continues in a straight line to BP130.	37
130		771157	1487947	13°26'49.2"	41°30'15.6"	Boundary continues in a straight line to BP131.	38
131		786337	1481301	13°23'07.9"	41°38'37.6"	Boundary continues in a straight line to BP132.	38
132		788954	1474505	13°19'26.0"	41°40'02.1"	Boundary continues in a straight line to BP133.	39
133		794837	1469208	13°16'31.7"	41°43'15.5"	Boundary continues in a straight line to BP134.	39
134		796468	1464926	13°14'11.9"	41°44'08.1"	Boundary continues in a straight line to BP135.	39
135		805190	1456707	13°09'41.5"	41°48'54.5"	Boundary continues in a straight line to BP136.	40
136		813540	1447044	13°04'24.3"	41°53'27.9"	Boundary continues in a straight line to BP137.	40
137		817638	1440008	13°00'34.0"	41°55'41.1"	Boundary continues in a straight line to BP138.	41
138		821900	1430658	12°55'28.4"	41°57'58.8"	Boundary continues in a straight line to BP139.	41

Col 1	Col 2	Col 3	Col 4	Col 5	Col 6	Col 7	Col 8
Boundary Point	Point	UTM Grid		Latitude/Longitude		Onward Course of Boundary	1:25,000 Sheet
		East	North	North	East		
139		828570	1424411	12°52'02.8"	42°01'37.4"	Boundary continues in a straight line to BP140.	42
140		831844	1417116	12°48'04.4"	42°03'23.0"	Boundary continues in a straight line to BP141.	42
141		840086	1414588	12°46'39.0"	42°07'55.0"	Boundary continues in a straight line to BP142.	43
142		846722	1413740	12°46'08.8"	42°11'34.4"	Boundary continues in a straight line to BP143.	43
143		849493	1413319	12°45'54.0"	42°13'06.0"	Boundary continues in a straight line to BP144.	43
144	40	856238	1399036	12°38'07.1"	42°16'43.4"	Between the two checkpoints of Eritrea and Ethiopia at Bure. Boundary continues in a straight line to BP145.	44
145		861776	1391941	12°34'14.2"	42°19'43.7"	Boundary continues in a straight line to BP146.	44
146	41	870133	1380752	12°28'07.1"	42°24'15.4"	Summit of Mt. Musa'ali, Primary Monument No. 90 of the Ethiopia-Djibouti boundary.	45

COMMENTS

A. The Western Terminus

6. This Point is described in paragraph 8.1, A(1) of the Dispositif of the Delimitation Decision as follows: "The boundary begins at the tripoint between Eritrea, Ethiopia and the Sudan and then runs into the centre of the Setit opposite that point (Point 1)". This determination has not been questioned by either Party.
7. In investigating the matter, the Commission's experts were not able to see any previously established monument marking the tripoint between Eritrea, Ethiopia and the Sudan. In these circumstances, the Commission adheres to the description of Point 1 (designated as Point 1 in the Delimitation Decision) and which it now designates as BP1 (see Map No. 1).

B. The Line from the Setit to the Mareb (from Point 6 to Point 9 in the Delimitation Decision)

8. The Delimitation Decision determined that a straight line runs from the Setit starting at Point 6 (the confluence of the Setit and the Tomsa) to Point 9 (the confluence of the Mareb and the Mai Ambessa). These Points are now joined by a straight line drawn between them on land. The only changes that may occur in the future are the minor ones at the northern and southern termini of that line if there are movements in the middle of the main channels of the two rivers. Point 6 is now BP2 and its fixed point on land is BP3 (see Map No. 8). Point 9 is now BP5 and its fixed point on land is BP4 (see Map No. 13).

C. Tserona and Zalambessa

9. The Commission directed the demarcation team to take full account of the proposed boundaries in the Parties' comments on Tserona and Zalambessa.² As similar considerations affect the demarcation line around both places, these two items are dealt with together.

1. Tserona

10. The Dispositif of the Delimitation Decision, paragraph 8.1, B. (iv), provides in part that the boundary should "leave Tserona and its environs to Eritrea. The boundary runs round Tserona at a distance of approximately one kilometre from its current outer edge, in a manner to be determined more precisely during the demarcation".
11. The Commission has considered the submissions of the Parties and has noted in particular the comment by Ethiopia that the "outer edge and environs of Tserona should be determined using precisely the same principles as are used for the determination" of the outer edge and environs of Zalambessa³ (see paragraph 12 below). Eritrea expressed the same wish.⁴ The Commission has identified these environs by a line that leaves the Belesa B at BP8 and proceeds by a series of straight lines to BP26 where it returns to the Belesa B (see Map No. 21). BP8 is located at the intersection of the middle of the main channel of the Belesa B and the straight line extension of the line from BP10 to BP9. BP26 is located at the intersection of the middle of the main channel of the Belesa B and the straight line extension of the line from BP24 to BP25. Thence, the boundary follows the Belesa B southwards to BP27 where it leaves that river to run south-westwards towards BP28 (see Map No. 22).

² Demarcation Instructions, 22 August 2003, p. 1, para. 1.

³ Submission by the Federal Democratic Republic of Ethiopia, 24 January 2003, Comments Pursuant to the December 2000 Agreement, the Commission's Rules of Procedure, the Commission's Demarcation Directions and Instructions provided at the Boundary Commission's Meeting on 6 and 7 November 2002, p. 65, para. 1.181.

⁴ The State of Eritrea's Comments on the Preliminary Orthophoto Maps; Boundaries within Rivers; The Boundary at Tserona, Zalambessa and Bure; and the Eastern Sector, 24 January 2003, p. 14.

2. Zalambessa

12. The Commission invited Eritrea to comment on Ethiopia's proposed boundary for the town of Zalambessa and to submit its own proposal. Ethiopia identified a boundary which was influenced by physical obstacles to the use of certain lands around the environs of Zalambessa. Eritrea asked that whatever standard or procedures applied to Zalambessa should also be applied to Tserona.⁵ Eritrea also submitted that "Any alterations should, additionally, be balanced so that gains to one party are equalled by gains to the other."⁶ There is a close similarity between the Eritrean and Ethiopian proposals for the boundary around Zalambessa except that the Ethiopian proposal also includes the plateau land to the east.
13. In demarcating the boundary around Zalambessa, the Commission has borne in mind the views of the Parties, the nature of its environs and the extent of manifest impracticability in parts of the area. The boundary therefore continues from BP41 through BP42 to BP103 where it meets the Muna/Berbero Gado at BP104 (see Map No. 23).

D. The boundary between Points 15 and 16

14. Paragraph 8.1. B.(v) of the Dispositif provides in part that the boundary continues to the source, at Point 15, of an unnamed tributary: "From that point it crosses the watershed by a straight line to the source of a tributary of the Belesa A at Point 16"
15. The Commission has determined that "References to the headwaters or sources of rivers or streams mean the highest point at which the flow of water can be identified or, if the stream bed has become permanently dry, then the highest point at which the stream bed can be identified".⁷ Points 15 and 16 are now identified as BP28 and BP29 (see Map No. 22). The boundary runs as a straight line between these two points. If either of these points is found not to lie exactly at the source of the relevant tributary, it shall nonetheless be treated as if it were the source. If necessary, this point shall be linked to the nearest position of the relevant tributary by the shortest line.

E. The Eritrean claim line (Points 17 to 18 of the Dispositif)

16. Paragraph 8.1. B.(v) of the Dispositif provides in part that, from Point 17, the boundary "continues up the Belesa A to follow the Eritrean claim line to Point 18 so as to leave Fort Cadorna and its environs within Eritrea. The Eritrean claim line is more precisely depicted on the 1:100,000 Soviet map referred to by Eritrea in its final submission on 20 December 2001. Point 18 lies 100 metres west of the centre of the road running from Adigrat to Zalambessa."

⁵ *Id.*

⁶ The State of Eritrea's Comments on the Eritrean-Ethiopia Boundary in the Proximity of Tserona and Zalambessa and on the Specific Provisions of Ethiopia's Comments of 24 January 2003, 15 April 2003, p. 5.

⁷ Demarcation Directions, 8 July 2002 (as revised in November 2002, March and July 2003), para. 14D.

17. The Eritrean claim line is now identified as BP30 to BP41. Regarding BPs 32 and 33, if either of these points is found not to lie exactly at the source of the relevant tributary, it shall nonetheless be treated as if it were the source. If necessary, this point shall be linked to the nearest position of the relevant tributary by the shortest line.
18. In its Demarcation Instructions of 22 August 2003, the Commission instructed that pillar sites should be "located within approximately 200 metres of the coordinates extracted from the Soviet map".⁸ The positions of BPs 35-41 (see Maps Nos. 22 and 23) have been determined on this basis.

F. Boundary between Points 24 & 25

19. See paragraph 15 above. Points 24 and 25 are now marked as the highest points at which the streambed can be identified. The boundary runs as a straight line between them. These points are now BPs 107 and 108 (see Map No. 24). If either of these points is found not to lie exactly at the source of the relevant tributary it shall nonetheless be treated as if it were the source. If necessary, this point shall be linked to the nearest position of the relevant tributary by the shortest line.

G. Points 29, 30 and 31

20. The Dispositif provides in Paragraph 8.1. B. (xii) that, "From Point 28, the line continues down the Muna/Endeli/Ragali to Point 29, northwest of the Salt Lake, and thence by straight lines to Points 30 and 31, at which last point this sector [i.e. the Central Sector] of the boundary terminates."
21. The Commission has found that maintenance of Point 29 as a fixed point could lead in the event of a change in the main stream of the river to depriving one or other Party of access to the river's water. The Commission has therefore decided that Point 29 must be abandoned and that, consistent with the principles enunciated in the Delimitation Decision, the course of the boundary in this area shall follow the middle of the main channel of the Ragali River until it reaches a point nearest to BP111 (Point 30) which is the point at which equal access to the river's water is no longer significant. The middle of the main channel of the Ragali is linked to BP111 by the shortest line. A straight line is then drawn south-eastwards to BP112 (Point 31).
22. BP112 is where the Ragali River reaches the Salt Lake. Because of ground conditions, it has not been possible to determine the exact location of this Point either from field inspection carried out during pillar site assessment of the Eastern Sector or from the imagery of the aerial photography. It has therefore been necessary to estimate where the Ragali River reaches the Salt Lake and to identify BP112 accordingly.

⁸ Demarcation Instructions, 22 August 2003, p. 2, para. 11.

H. The Eastern Sector

23. The Delimitation Decision described this boundary as a series of straight lines connecting Point 31 to Point 41 at the boundary with Djibouti. This line was to serve as the basis for the demarcation, leaving open the possibility at that stage of "adapting it to the nature and variation of the terrain" as contemplated in Article II of the 1908 Treaty.⁹ Demarcation Instructions for the identification of pillar sites in this Sector included the requirement that maintenance of an area balance between the lines joining the Points finally chosen compared to the original delimitation line of 13 April 2002 should be in the order of three percent. These Instructions also required the determination of the mid-point between the Eritrean and Ethiopian customs posts at Bure and the reinstatement of the original pillar emplacement on Musa'ali at Point 41.
24. The Commission's field staff was able to undertake the selection of all pillar sites in the Eastern Sector in early 2003. The sites chosen were based, where possible, on the submissions of the Parties in their 24 January 2003 memoranda and were assessed according to the requirements set out by the Commission in the Demarcation Instructions of 21 March 2003. In May 2003, the Commission submitted an initial report of this work to the Parties for comment. The Parties' comments were received on 11 June 2003 and indicated acceptance of the proposals in principle. The Demarcation Team, after considering these comments, made further adjustments, and presented a final report to the Commission in August 2003. This report set out the coordinates as surveyed of all boundary positions in the Eastern Sector and achieved an almost exact area balance. The position of the mid-point between the Eritrean and Ethiopian customs posts at Bure was identified. At Musa'ali, the remains of the old monument were located and its position was fixed.
25. The boundary in the Eastern Sector is therefore now defined as passing through the boundary points from BP112 to BP146.

I. The boundary in rivers

26. The Commission has determined in the Demarcation Directions that, "Unless the Commission should decide otherwise after receiving a request from a Party that the boundary in a river requires demarcation, the Commission considers that the identification of a river as a boundary should normally suffice without actual demarcation therein, save as regards the identification of confluences, turning points that may give rise to doubts, and headwaters or sources."¹⁰ The Demarcation Instructions provide that the river "boundary is in the middle of the main channel (the channel of greatest volume) and will move in accordance with any change in position of the middle of the main channel."¹¹

⁹ Delimitation Decision, 13 April 2002, p. 93, para. 6.34.

¹⁰ Demarcation Directions, July 2003 revision, para. 14B.

¹¹ Demarcation Instructions, 22 August 2003, p. 3, para. 20 (b).

27. The Demarcation Instructions further provide that "islands shall fall within the territory of either Party according to their location in relation to the main channel".¹² Where islands are identified by the Parties in their comments, "the demarcation team shall determine by appropriate methods the position in relation to the main channel of those islands".¹³ Although there were general comments from the Parties on some islands, these comments did not provide substantial or specific evidence requiring a variation from the Commission's delimitation formula for boundaries in rivers; accordingly, all islands are distributed in accordance with this formula.

¹² *Ibid.*, para. 20 (d).

¹³ *Ibid.*, para. 21.



Security Council

Distr.: General
18 December 2006

Original: English

Letter dated 18 December 2006 from the Permanent Representative of Greece to the United Nations addressed to the President of the Security Council

Please find attached the assessment of the work of the Security Council during the presidency of Greece in September 2006 (see annex). This report was prepared under my supervision, after consultation with the other members of the Security Council.

I should be grateful if you would arrange for this letter to be circulated as a document of the Security Council.

(Signed) Adamantios Th. **Vassilakis**
Ambassador
Permanent Representative



Annex to the letter dated 18 December 2006 from the Permanent Representative of Greece to the United Nations addressed to the President of the Security Council

Assessment of work of the Security Council during the presidency of Greece (September 2006)

Introduction

Under the presidency of Greece in September 2006, the Security Council undertook a very heavy programme of work, addressing a wide range of issues on its agenda, including the Middle East, Côte d'Ivoire, the Sudan, Ethiopia/Eritrea, Iraq and the extension of the mandates of five peacekeeping operations (International Security Assistance Force (ISAF), United Nations Mission in the Sudan (UNMIS), United Nations Mission in the Democratic Republic of the Congo (MONUC), United Nations Mission in Ethiopia and Eritrea (UNMEE), United Nations Mission in Liberia (UNMIL)).

During the month of September, the Security Council held 24 official meetings, including one meeting at the ministerial level on the situation in the Middle East, including the Palestinian question, and conducted informal consultations on 13 occasions. It adopted seven resolutions and two presidential statements. The President also made one statement to the press on behalf of the Council.

Furthermore, the Minister for Foreign Affairs of Greece, Dora Bakoyannis, participated and delivered a statement, on behalf of the Council, to the seventh high-level meeting of the Secretary-General with heads of regional and other intergovernmental organizations, held in New York on 21 and 22 September 2006.

On 5 September, the President briefed the press on the programme of work of the Security Council after its adoption. The President also held meetings with the President of the General Assembly and the President of the Economic and Social Council, respectively, briefing them on the work of the Security Council.

Through its website (www.greeceun.org), the presidency provided regular updates on the programme of work as well as on the activities of the Council.

Africa

Sudan

On 11 September 2006, in a public debate, Council members discussed the situation in Darfur on the basis of the Secretary-General's latest report on the subject (S/2006/591). The Secretary-General and representatives from the Arab League, the Organization of Islamic Conferences, the African Union and the Government of the Sudan attended the meeting. The Secretary-General strongly condemned the escalation of violence, underlining that the fighting had made it much harder for humanitarian workers to reach a population that had already endured far too much. All the participants at the meeting agreed that both the humanitarian and the political situation in Darfur must be addressed expeditiously, although there were diverging views as to how this common goal could be reached.

On 18 September 2006, the Special Representative of the Secretary-General, Jan Pronk, briefed Council members on the Secretary-General's latest report on the situation in the Sudan (S/2006/728). Mr. Pronk stated that the implementation of the Comprehensive Peace Agreement was largely on course, noting, however, that peace was fragile. With regard to Darfur, Mr. Pronk mentioned five conditions to help revitalize the Darfur Peace Agreement: (a) bringing the non-signatories of the Agreement on board; (b) agreeing on a truce between the Government forces and the rebel movements; (c) addressing the violations of the Agreement through a renewed, fully representative but authoritative Ceasefire Commission; (d) resuming talks to improve the Agreement; and (e) getting off the collision course, both within Sudan and internationally. The members of the Council welcomed the progress that has been made with regard to the implementation of the Comprehensive Peace Agreement and conversely expressed concern over the protracted conflict in Darfur.

On 22 September 2006, the Security Council unanimously adopted resolution 1709 (2006), by which it renewed the mandate of the United Nations Mission in Sudan for two weeks, until 8 October 2006.

On 29 September 2006, the Security Council unanimously adopted resolution 1713 (2006), by which it extended the mandate of the Panel of Experts on the Sudan until 29 September 2007.

Somalia

On 25 September, in a private meeting, members of the Council had an exchange of views on the situation in Somalia with the Minister for Foreign Affairs and International Cooperation of Somalia, Ismael Mohamoud Hurreh, and the Minister for Foreign Affairs of Kenya and Chairman of the Council of Ministers of the Intergovernmental Authority on Development (IGAD), Raphael Tuju. The two invitees asked the Security Council to elevate the issue of Somalia to a top priority of the Council's agenda and to consider the various proposals made by IGAD to address the situation, including the partial lifting of the United Nations arms embargo.

Ethiopia and Eritrea

On 26 September 2006, the Acting Special Representative of the Secretary-General for Ethiopia, Eritrea, Azouz Ennifar, presented, in informal consultations, the Secretary-General's latest report on Ethiopia and Eritrea (S/2006/749) and briefed the Council on the latest developments in the peace process between the two countries, as well as on the activities of UNMEE. The members of the Council expressed different views on the duration of the next UNMEE mandate and, with regard to the peace process, expressed concern over the protracted stalemate in the implementation of the decision of the Eritrea-Ethiopia Boundary Commission.

On 29 September 2006, the Security Council unanimously adopted resolution 1710 (2006), by which it extended the mandate of UNMEE for a period of four months, until 31 January 2007. In addition, the Council expressed its intention, in the event that it determines that the parties have not demonstrated progress towards demarcation by 31 January 2007, to transform or reconfigure UNMEE as the Council may decide.

Democratic Republic of the Congo

On 22 September 2006, the Security Council adopted a presidential statement (S/PRST/2006/40), by which it condemned the clashes that occurred in Kinshasa at the end of August and invited the relevant sanctions committee to examine the situation in the context of the arms embargo imposed by resolutions 1493 (2003) and 1596 (2005) and renewed by resolution 1698 (2006). It also expressed its readiness to consider possible measures against individuals and entities who would further threaten the conduct of free and fair elections, in particular through the use of "hate media".

On 27 September 2006, the Special Representative of the Secretary-General for the Democratic Republic of the Congo, William Lacy Swing, presented, in informal consultations, the Secretary-General's latest report on the Democratic Republic of the Congo (S/2006/759) and briefed the Council on the latest developments in the peace process in view of the upcoming second round of presidential elections and the provincial elections, scheduled for 29 October. The members of the Council expressed the view that the Security Council should remain vigilant, bearing in mind the violent clashes that occurred in Kinshasa at the end of August 2006. They also urged all political parties in the Democratic Republic of the Congo to remain calm before and after the elections and to accept the results in a democratic and inclusive spirit.

On 29 September 2006, the Security Council unanimously adopted resolution 1711 (2006), by which the mandate of MONUC was extended until 15 February 2007, with the exception of the reinforcements that MONUC received from the peacekeeping forces in Burundi (United Nations Operation in Burundi (ONUB)), whose mandate was extended until 31 December 2006. In the resolution, the Council called on all parties to ensure that free, fair and peaceful elections take place and that security forces exercise restraint and remain impartial during the electoral period.

Sierra Leone

On 7 September 2006, the Executive Representative of the Secretary-General for Sierra Leone, Victor Da Silva Angelo, presented in informal consultations, the Secretary-General's latest report on the United Nations Integrated Office in Sierra Leone (S/2006/695) and briefed the Council on the latest developments in the peace consolidation process, pointing out that while considerable progress has been made in this regard, significant challenges such as youth unemployment and corruption still remain and need to be addressed. The members of the Council welcomed progress achieved but stressed the need for further efforts to be made by the Government of Sierra Leone to address the root causes of the conflict and guarantee the conduct of free, fair and democratic elections in 2007.

Côte d'Ivoire

On 12 September 2006, during informal consultations, the Assistant Secretary-General for Peacekeeping Operations, Hedi Annabi, briefed the Council on the latest developments in Côte d'Ivoire, in particular on the resignation of the Government due to the incident involving the dumping of toxic waste, and provided an update on the implementation of the benchmarks agreed upon by the Ivorian parties at the meeting in Yamoussoukro on 5 July. The members of the Council expressed concern

that the country was approaching the end of yet another transitional period without elections and expressed hope that the next high-level meeting of the Ivorian parties, scheduled for 20 September, would break the deadlock.

On 14 September 2006, the Security Council unanimously adopted resolution 1708 (2006), by which the mandate of the Group of Experts that monitors implementation of sanctions in Côte d'Ivoire was extended until 15 December 2006.

Liberia

On 25 September 2006, during informal consultations, the Special Representative of the Secretary-General for Liberia, Alan Doss, presented the latest report of the Secretary-General on UNMIL (S/2006/958). Mr. Doss underlined the progress made by the Government in restoring peace and stability and pointed out the urgent need to address potential threats to the country's stability, such as unemployment, criminality and the unstable political situation in neighbouring Côte d'Ivoire. The members of the Council welcomed the determination of the Liberian Government to rebuild the country and promote good governance and pointed out the need to accelerate progress on security sector reform, while at the same time drafting and implementing a national security strategy plan.

On 29 September 2006, the Security Council unanimously adopted resolution 1712 (2006) by which it extended the mandate of UNMIL until 31 March 2007 and endorsed the Secretary-General's recommendations for a phased, gradual consolidation, drawdown and withdrawal of UNMIL.

Europe

Kosovo (Serbia)

On 13 September 2006, the newly appointed Special Representative of the Secretary-General for Kosovo, Joachim Rucker, addressed the Security Council in a public debate on recent developments in Kosovo and on further progress in the implementation of standards, on the basis of the latest report of the Secretary-General on Kosovo (S/2006/707). Mr. Rucker underlined the importance of keeping up the momentum in the efforts by the Provisional Institutions of Self Government to maintain progress in standards implementation. Statements were also made by the representatives of Serbia, Finland (on behalf of the European Union), Albania and Ukraine.

On 22 September 2006, Boris Tadic, President of Serbia, addressed the Security Council in a private meeting. Mr. Tadic stressed the good will of the Serb side in the negotiations with the Kosovar Albanians. He described the hardships of the Kosovo Serbs and warned against setting a dangerous precedent by imposing a status settlement outside the norms of international law.

The meeting was followed by informal consultations, during which the Special Envoy of the Secretary-General on Kosovo, Martti Ahtisaari, briefed the Security Council, on the latest developments on status settlement. He announced his intention to continue respecting the time frame for a resolution of the issue by the end of 2006 and reported on the progress made by the various rounds of technical meetings between the two sides in Vienna. Members of the Security Council welcomed the efforts of the Special Envoy and called on the two sides to show

flexibility and a spirit of compromise during the status negotiations meetings in Vienna.

Georgia

On 29 September 2006, during informal consultations, the Council was briefed by the Assistant Secretary-General for Peacekeeping Operations, Hedi Annabi, on the latest incidents in the Kodori valley and their impact on the already fragile situation in this particular part of the country.

Asia

Myanmar

On 29 September 2006, in a private meeting, the Security Council heard a briefing by the Under-Secretary-General for Political Affairs, Ibrahim Gambari, on the situation in Myanmar. The Permanent Representative of Myanmar also addressed the Council.

Afghanistan

On 11 September 2006, in a statement to the press, the President of the Council voiced the Council's unequivocal condemnation of recent suicide bombings in Kabul and other parts of Afghanistan, including the one that had killed the Governor of the Paktia province the previous day.

On 12 September 2006, the Council unanimously adopted resolution 1707 (2006), by which it extended the authorization of ISAF in Afghanistan, as defined in resolutions 1386 (2001) and 1510 (2003), for an additional period of 12 months beyond 13 October 2006.

Iraq

On 7 September 2006, during informal consultations, the Acting Executive Chairman of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC), Demetri Perricos, presented the 26th quarterly report on the activities of UNMOVIC (S/2006/701), covering the period from 1 June to 31 August 2006, submitted in accordance with paragraph 12 of resolution 1284 (1999).

On 14 September 2006, at an open debate, the Special Representative of the Secretary-General for Iraq, Ashraf Jehangir Qazi, presented the report of the Secretary-General submitted pursuant to paragraph 30 of resolution 1546 (2004) (S/2006/706) and briefed the Council on United Nations activities in Iraq and on developments during the last quarter. The Permanent Representative of the United States of America provided the quarterly update on the activities of the Multinational Force in Iraq. The Permanent Representative of Iraq participated in the meeting and briefed the Council on developments in Iraq during the previous three months and on the challenges ahead.

The situation in the Middle East, including the Palestinian question

On 21 September 2006, at the request of the League of Arab States (S/2006/700), the Security Council held an open debate, at the ministerial level, to discuss the situation in the Middle East, including the Palestinian question. The Secretary-General briefed the Council on the latest developments in the region and on the prospects of the peace process.

The President of the Palestinian Authority, Mahmoud Abbas, addressed the Council, as did the Foreign Minister of Bahrain, Khalid Bin Ahmed Al-Khalifa, on behalf of the Council of Foreign Ministers of the League of Arab States, the Foreign Minister of Finland Erkki Tuomioja, on behalf of the European Union, and the Permanent Representative of Israel.

Lebanon

On 18 September 2006, during informal consultations, the Secretary-General presented his second report on the implementation of Security Council resolution 1701 (2006) (S/2006/730) and updated members of the Council on the latest developments in Lebanon, following his visit to the region. The members of the Council commended the efforts of the Secretary-General and welcomed the progress that had been made so far in the implementation of Security Council resolution 1701 (2006). They stressed the need for the full implementation of all aspects of Security Council resolution 1701 (2006) and reaffirmed their commitment to support all efforts in this regard.

On 29 September 2006, at a public briefing, the Commissioner of the International Independent Investigation Commission (IIIC), Serge Brammertz, presented the fifth report of the Commission (S/2006/760, annex). The Chargé d'affaires a.i. of Lebanon and the Permanent Representative of the Syrian Arab Republic also addressed the Council.

The members of the Council continued their deliberations on this issue during informal consultations attended by the Commissioner of the IIIC. At the end of the consultations, the President of the Council delivered a statement to the press welcoming the report and commending the Commissioner and his team for their work.

Thematic issues

Threats to international peace and security caused by terrorist acts

On 28 September 2006, at an open meeting, the Council was briefed by the Chairmen of three subsidiary bodies: the Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities; the Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism; and the Committee established pursuant to resolution 1540 (2004). The Chairmen presented their quarterly activity reports on the work carried out by their respective Committees, the progress made and the remaining challenges. The members of the Council reaffirmed that terrorism in all its forms and manifestations constitutes a serious threat to international peace and security and underlined the need for an enhanced dialogue and cooperation among the three Committees.

Cooperation between the United Nations and regional organizations in maintaining international peace and security

On 20 September 2006, the Council held an open debate on the cooperation between the United Nations and regional organizations in maintaining international peace and security. The debate was chaired by the Minister for Foreign Affairs of Greece, Dora Bakoyannis. The Secretary-General made a statement, followed by the Under-Secretary-General for Peacekeeping Operations, Jean-Marie Guéhenno.

Prior to the debate, the Greek presidency had circulated a discussion/concept paper on the topic stating specific ideas on how the Security Council could pursue a more rational and effective cooperation with regional and other intergovernmental organizations, including, in particular, enhanced consultation and exchange of information between itself and these organizations.

Following the debate, the Council adopted a presidential statement (S/PRST/2006/39) in which it stressed, inter alia, the benefits of closer cooperation with regional and subregional organizations in the maintenance of international peace and security and reiterated its agreement to expand consultations and promote closer and more operational cooperation with such organizations, in particular in the fields of conflict prevention, peacebuilding and peacekeeping.

**Security Council**

Distr.: General
18 December 2006

Original: English

Ninth report of the Secretary-General on the United Nations Operation in Burundi**I. Introduction**

1. The present report is submitted pursuant to Security Council resolution 1692 (2006) of 30 June 2006, by which the Council extended the mandate of the United Nations Operation in Burundi (ONUB) until 31 December 2006. By resolution 1719 (2006) of 25 October 2006, the Council requested me to establish the United Nations Integrated Office in Burundi (BINUB) following the withdrawal of ONUB, for an initial period of 12 months commencing on 1 January 2007. This report covers major developments in Burundi from 20 October until 28 November, including the status of implementation of the comprehensive ceasefire agreement signed on 7 September by the Government of Burundi and Palipehutu-Forces nationales de liberation (FNL).

II. Major developments on the ground**Implementation of the comprehensive ceasefire agreement**

2. The implementation of the comprehensive ceasefire agreement remained stalled during the reporting period. The FNL leadership continued to demand that all FNL prisoners be released and that the Government grant provisional immunity for FNL elements as conditions for their leaders' return to Burundi. In the absence of FNL representatives, the joint verification and monitoring mechanism provided for in the agreement, although launched on 11 October, did not convene.

3. On 3 November, FNL sent a letter to the Chairman of the Regional Peace Initiative for Burundi, President Yoweri Museveni of Uganda, accusing the Government of violating the ceasefire agreement in various ways, including the National Defence Force's continued detention of FNL members and supporters. FNL also stated that the Government was conducting what it termed hostile military manoeuvres in areas where its combatants were located. In a letter addressed to me on 14 November, FNL further blamed the Government for the delay in implementation and accused the South African Facilitation of the Burundi peace process of being biased in favour of the Government.



4. In late November, the South African Facilitator, Charles Nqakula, visited Bujumbura and Dar-es-Salaam to discuss with the Government and FNL leaders how the stalled peace process could be revitalized. On 27 November, President Pierre Nkurunziza promulgated a law providing provisional immunity to FNL members. During a meeting with the diplomatic corps in Bujumbura on 28 November, the Minister of External Relations and Cooperation, Antoinette Batumwira, expressed concern at the delay in implementation and called upon Burundi's regional and international partners to urge FNL to engage in good faith in the implementation of the agreement.

5. Meanwhile, as delays in the start of the disarmament, demobilization and reintegration of FNL combatants have continued, criminal activities against the population, reportedly committed by FNL combatants, have increased since late October. Skirmishes between the national security forces and alleged FNL combatants and detentions of FNL elements and supporters have reportedly resumed in the north-western provinces. FNL recruitment, including of youths, has also been reported, particularly in Bubanza and Bujumbura Rural provinces.

6. On 9 November, the Peace and Security Council of the African Union Commission approved the establishment of the African Union (AU) special task force to provide protection to returning FNL leaders as well as combatants, as stipulated in the comprehensive ceasefire agreement. The Council asked the Chairman of the Commission and the Facilitator to take the necessary steps to expedite the deployment of South African troops as part of the special task force, in consultation with the parties to the agreement.

7. Further to the letter addressed to me by the President of the Security Council on 6 November (S/2006/867), the withdrawal schedule of the ONUB military contingents was slightly adjusted in accordance with the requests of the South African Facilitation and the Government. This adjustment was supposed to enable ONUB to carry out, prior to the deployment of the AU special task force, some of the responsibilities later to be assumed by the task force. However, owing to the lack of progress in the implementation of the agreement, it is now unlikely that the ONUB military contingents will be able, before the withdrawal of the Mission, to fill in for the task force, or to undertake the tasks envisaged for them under the agreement.

8. Once deployed, the AU special task force would therefore be expected to assume the responsibilities that were allocated to ONUB under the ceasefire agreement, namely: (a) protection of designated assembly areas for FNL combatants; (b) provision of engineering, logistical and administrative support for the establishment of the assembly areas; (c) disarmament of combatants; (d) storage of weapons collected from the disarmament process and their subsequent destruction; (e) transportation of disarmed FNL combatants from assembly areas to the designated demobilization centre or integration facilities of the National Defence Forces; and (f) protection of the demobilization centres.

9. Consultations are continuing between the United Nations, the South African Facilitation and the African Union to ensure a smooth transition between ONUB and the AU special task force. The South African Facilitation has requested that the ONUB South African battalion not be repatriated at the end of the ONUB mandate, as it will comprise part of the special task force. The United Nations is currently

exploring, with the African Union and the South African Facilitation, follow-on arrangements to ensure a smooth transition.

Political developments

10. During the reporting period, the Government continued efforts towards establishing a more inclusive political dialogue. On 21 November, a second meeting was convened by the Minister of the Interior and Public Security, which was attended by representatives of 24 of the 36 registered parties. Although the ruling party, the Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie (CNDD-FDD), did not participate, the meeting provided a forum for participants to raise a number of concerns and was well received by party representatives.

11. In late November, the Union pour le progrès national (UPRONA) convened a party congress at which it was decided that UPRONA would remain in the Government, despite opposition from some of the party's leaders. On 29 October, at a Front pour la démocratie au Burundi (FRODEBU) congress, Léonce Ngendakumana was re-elected as the party president. Furthermore, FRODEBU has been participating in the third parliamentary session, which began on 2 October, despite its decision in September to boycott it.

12. Twenty-nine draft laws are on the agenda of the third parliamentary session. They include provisions for the establishment of an anti-corruption court and a legal framework for the National Communication Council, which have been adopted by the National Assembly and are under consideration by the Senate. In the meantime, the Constitutional Court has ruled in favour of a petition filed by 43 Members of Parliament against the controversial adoption on 20 July of legislation creating an "anti-corruption brigade". The Court ruled that the adoption of the bill was unconstitutional owing to the lack of a quorum during the vote.

13. President Nkurunziza and members of his Government carried out several visits to the provinces to assess the overall socio-economic situation and to meet with the population. At a press conference on 10 November, eight ministers described their ministries' workplans and achievements and the challenges faced.

14. Despite these positive developments, the overall political situation remained tense. As at 28 November, the seven individuals, including the former transitional President, Domitien Ndayizeye, and Vice-President, Alphonse-Marie Kadege, arrested in connection with the alleged coup plot, were still in detention. On 26 October, the Supreme Court reversed its own ruling of 6 October ordering the release of the seven detainees before their trials, and their detention was extended until 26 November. On 24 November, the trials of six of the seven detainees commenced, but were adjourned that same day following objections by the defence lawyers over an alleged lack of impartiality on the part of two of the judges.

15. In the meantime, the seven defendants sent a letter to the Supreme Court on 2 November, challenging its decision and pointing out irregularities in the legal procedures followed. On 13 November, ONUB received a copy of a letter dated 22 October from Domitien Ndayizeye addressed to the President of the United Republic of Tanzania, Jakaya Kikwete, in his capacity as Vice-Chairman of the Regional Peace Initiative for Burundi. In the letter, Mr. Ndayizeye stated that he was

innocent of the charges against him, urged the Government to "change course", and appealed for the region and international community's intervention on behalf of the detainees.

16. On 11 November, the former Second Vice-President, Alice Nzomukunda, held a second press conference in Belgium, during which she again denounced the "dictatorial regime" established by the president of CNDD-FDD, urging the people of Burundi to stand up against it.

Relations with the media

17. Relations between the Government and the media deteriorated further during the reporting period, despite efforts to establish dialogue and ease tensions. In October, President Nkurunziza held a meeting with some 50 representatives of the State and private media, during which he announced the Government's support for training activities for the media and stated that further meetings would be held regularly. Media representatives expressed concern over the 9 October presidential decree appointing new heads for all State-owned media, all of whom are CNDD-FDD party members.

18. On 9 November, the First Vice-President, Martin Nduwimana, launched a seminar on the role of the media in peace consolidation. Media representatives requested that the Government maintain a dialogue with the media and provide timely and accurate responses to media enquiries. The Government called on the media to report in a balanced and accurate manner, taking into consideration the need to respect national institutions and their reputation.

19. Reported harassment of journalists by the national security forces continued. On 22 November, two journalists working at a privately owned radio station were arrested, allegedly for making public information regarding the alleged coup plot. Subsequently, the director of the radio station was also detained. The arrests triggered widespread condemnation by journalists' associations, political parties and national and international human rights organizations, who considered them a breach of freedom of expression and in violation of national legislation. In protest, national private media employees staged a two-day work stoppage.

20. Relations between the Government and international non-governmental organizations were also strained. During the reporting period, the Director of the National Office for the Coordination of International Non-Governmental Organizations indicated that 32 out of 95 of the organizations operating in Burundi could be asked to leave the country because they had not complied with the Government's regulations on mandatory reporting on their activities.

Burundi Partners' Forum

21. The Burundi Partners' Forum convened twice during the reporting period, including a special session in which the Government participated, to discuss preparations for the establishment of BINUB and the development of a comprehensive peacebuilding strategy. The Government's preparations for the country-specific meeting on Burundi of the Peacebuilding Commission in New York

in December were discussed. The Government briefed on the preparation of priorities to be submitted to the Peacebuilding Fund.

Peacebuilding Commission

22. Significant progress has been made in the establishment of peacebuilding coordination mechanisms between the Government and the United Nations. On 7 November, the Government created an Inter-Ministerial Peacebuilding Steering Committee, which will work with the United Nations, within the framework of an initial joint mechanism, in preparing the December meeting of the Peacebuilding Commission and the peacebuilding priority plan to be submitted to the Peacebuilding Fund. The inaugural meeting of the Government-United Nations joint mechanism was held on 16 November, followed by several sessions at the policy and working levels. As a result, a common understanding was reached on the steps to be taken by the Government, with United Nations support, to secure resources from the Peacebuilding Fund. Progress was also made in developing the Government's presentation to the December meeting of the Peacebuilding Commission. The mission of the Peacebuilding Support Office to Burundi in mid-November and the meetings it had with the United Nations and the Government's Inter-Ministerial Steering Committee contributed significantly to this process.

III. Security situation

23. The security situation remained tenuous, despite the overall improvement for several weeks immediately following the signing of the comprehensive ceasefire agreement on 7 September. Further delays in the agreement's implementation, in particular the disarmament, demobilization and reintegration of FNL combatants, are likely to lead to more friction between these combatants and the population and the national security services. In addition, there was an increase in localized conflicts involving the small FNL faction led by Jean Bosco Sindayigaya, which did not sign the ceasefire agreement.

24. The incidence of crime, including murder, theft and rape, remained high. The large-scale circulation among the population of small arms and ammunition, including grenades, remained a major security concern. Many of the crimes committed were attributed to uniformed elements, compounding the impact of human rights violations, allegedly involving the national security forces, on the overall security situation.

25. While the maritime unit of ONUB, which operated on Lake Tanganyika, was withdrawn during the reporting period, ONUB and the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) continued to coordinate closely on cross-border issues, including the illicit movement of arms and personnel. The two missions also maintained close cooperation on humanitarian issues such as the repatriation of combatants and refugees, in coordination with the Office of the United Nations High Commissioner for Refugees (UNHCR) and other United Nations partners. In the meantime, Rwanda and Burundi continued dialogue to resolve their border disputes within the framework of their joint border commission, which convened once during the reporting period.

IV. Progress and challenges to peace consolidation

Disarmament, demobilization and reintegration and security sector reform

26. The national demobilization, reinsertion and reintegration programme continued to make progress. Some 390 FDN personnel, of whom 112 were handicapped, were demobilized during the reporting period. As at 14 November, 21,769 former combatants and soldiers had been demobilized, including 3,015 minors and 494 women.

27. The Executive Secretariat of the National Commission for Demobilization, Reinsertion and Reintegration continued to support the reintegration of former combatants in the context of the national demobilization, reinsertion and reintegration programme. As at 14 November, 18,642 adult former combatants had received cash reinsertion benefits, while 5,412 had received other forms of socio-economic reintegration assistance. Of the 3,015 demobilized children, 599 are currently enrolled in school and 896 are participating in vocational training.

28. On 1 November, three presidential decrees were issued concerning the demobilization, disarmament and reintegration process. The decrees established a mechanism for the verification of combatant status; eligibility criteria for the demobilization, reinsertion and reintegration programme; and criteria and modalities for the attribution of ranks during demobilization, including for FNL combatants.

29. In the meantime, ONUB continued to work with the Government on the destruction of unserviceable weapons and ammunition. During the reporting period, 17,880 rounds of munitions collected during the demobilization, disarmament and reintegration process were destroyed. The joint weapons destruction programme is expected to resume in December, following the delivery of the necessary equipment.

30. The United Nations Development Programme (UNDP) continued to assist the Technical Commission for Civilian Disarmament, including in the development of a national strategy to combat the proliferation of small arms and light weapons. In support of civilian disarmament, UNDP and the United Nations Human Settlements Programme carried out a joint mission in the context of the latter's "Safer Cities" programme. The mission, in collaboration with the municipality of Bujumbura and the Technical Commission for Civilian Disarmament, examined ways in which security in Bujumbura could be enhanced, including through reducing the number of small arms in the capital.

Burundi National Police

31. The Minister of the Interior and Public Security approved a proposal for establishing a more transparent human resource management system for the Burundi National Police, which was jointly prepared by the National Police and the International Centre for Transitional Justice. The Government is seeking funding for this initiative, which is also expected to determine the current strength and assess the capacities of the police force. With regard to bilateral support, Belgium, the Netherlands and France have assigned experts to assist the National Police with

capacity-building, particularly in the design and implementation of training programmes.

32. During the reporting period, ONUB and the National Police completed traffic management training for 30 police officers. ONUB also carried out training sessions for 41 penitentiary officers. In addition, ONUB assisted the National Police in the establishment of a special unit to deal with cases of sexual and gender-based violence. In that connection, specialized training modules and standard operating procedures have been developed. ONUB and the National Police are continuing their collaboration to ensure the early operationalization of this unit.

Human rights issues

33. The absence of major confrontations between the national security forces and FNL, following the signing of the ceasefire agreement, continued to have a positive impact on the human rights situation in the north-western provinces, where FNL had been most active. In Bujumbura Rural, there was a marked decrease in forcible extortion of money from the population by FNL. However there have been increasing reports in Bubanza and Cibitoke provinces of FNL using coercive means to obtain food and other provisions.

34. Impunity continued to prevail and, despite some arrests, the Government has yet to prosecute the national security forces' personnel implicated in serious human rights violations. In some instances, there has been political interference in the judicial process. Senior Government officials reportedly prevented the execution of arrest warrants issued by the prosecutor of the Ngozi court of appeals against the commander of the Fourth Military Region and administrative officials who were implicated in the disappearance and possible summary execution of some 30 individuals in Muyinga province, between July and August. Furthermore, the Attorney General reportedly ordered the prosecutor of the Ngozi appeals court to desist from further action and to hand over the case file. No further action has subsequently been taken on the case.

35. A number of individuals accused of recruiting for FNL were arrested by the national security services on grounds of violating the ceasefire agreement. In contravention of orders given in September, following the signing of the ceasefire agreement, military and police officials also arrested FNL members and combatants. These individuals were generally kept in police detention and did not have access to due process. A group of 11 alleged FNL combatants held in inhumane conditions at a military camp in Ngozi was finally transferred to police custody on 9 November.

36. Between 19 October and 13 November, the bodies of nine unidentified adult men were found in Lake Tanganyika at the mouth of the Rusizi River. Some of the bodies showed signs of bullet or machete wounds, as well as mutilation. ONUB is seeking to verify the information reportedly provided to the police by an alleged witness, to the effect that the nine victims were killed by FNL combatants based in the Democratic Republic of the Congo. The alleged witness claimed that he was also targeted but escaped.

37. Sexual violence continued to be widespread and minors, including very young children, constituted some 60 per cent of reported rape cases. ONUB continued its campaign to ensure assistance to victims and prosecution of offenders. During the

reporting period, ONUB carried out a study on the causes and consequences of rape in Burundian society. The main findings of the study were presented in a workshop held on 27 and 28 November in cooperation with the Ministry of National Solidarity, Human Rights and Gender. The study is expected to contribute to the development of a national action plan for the implementation of resolution 1325 (2000).

38. ONUB also conducted promotional activities throughout Burundi to strengthen national capacity to protect human rights. Beneficiaries included security, judicial and civilian officials, civil society including trade unions and the media, and the general public. ONUB completed a fifth five-day "training of trainers" seminar for FDN officers on the application of human rights and international humanitarian law. A seminar was conducted in each of the five military regions, using officers previously trained by ONUB as trainers.

39. The Independent Expert on the situation of human rights in Burundi, Akich Okola, presented a report to the General Assembly on 2 November following an assessment visit to Burundi in October. The Independent Expert highlighted the threats to freedom of expression and opinion and the tensions between the Government and political parties and civil society. The ineffectiveness of the judicial and administrative systems was also stressed, along with the systematic human rights violations in the country. The Independent Expert nevertheless commended the Government's efforts on health care and education.

Child protection

40. ONUB conducted training for 80 United Nations military observers and 50 national partners on child rights violations during the reporting period. On 19 November, following the intervention of ONUB and the United Nations Children's Fund, 26 minors detained at the former Randa demobilization centre were separated from adult combatants and transferred to another location in preparation for reunification with their families and reintegration into their communities.

41. In accordance with resolution 1612 (2005), a report on children and armed conflict in Burundi (S/2006/851) was issued on 27 October. The report covers the period from August 2005 to September 2006 and provides information on compliance and progress in ending the recruitment into armed groups and other grave violations committed against children in conflict situations.

Transitional justice and justice reform

42. In accordance with agreements reached with the Government, a United Nations technical mission led by the Office of Legal Affairs is expected to visit Burundi shortly to clarify key issues that would govern the establishment of the transitional justice mechanisms. In the meantime, some civil society organizations initiated ad hoc consultations at the provincial level to study the feasibility of large-scale popular consultations on the mechanisms. A consultative group on transitional justice, comprising Burundian and international non-governmental organizations, continued its regular meetings, to which the Office of the United Nations High Commissioner for Human Rights (OHCHR) was invited as an observer.

43. During the reporting period, the national criminal code was revised by a task force of Burundian experts with the support of OHCHR, to bring it into line with international human rights treaties ratified by Burundi. The revised draft code was presented to the Minister of Justice on 2 November and discussed with Members of Parliament, civil society representatives, legal practitioners and diplomatic representatives at a workshop on 16 and 17 November. Important changes proposed include the abolition of the death penalty and the criminalization of torture, as well as new provisions for the protection of women against sexual violence and the protection of children. The draft code also includes provisions regarding the crime of genocide, crimes against humanity and war crimes.

Refugees, asylum-seekers and illegal immigrants

44. Some 11,107 refugees returned to Burundi during the reporting period, with 7,857 returning in October, which was the third highest monthly return of the year. As at 20 November, 38,181 Burundian refugees out of the 50,000 targeted for 2006 had returned.

45. From 22 to 24 November, ONUB hosted the tenth meeting of the Tripartite Commission for the Voluntary Repatriation of Burundian Refugees, comprising Burundi, the United Republic of Tanzania and UNHCR. The Tripartite Commission acknowledged the achievements made in the voluntary repatriation of Burundian refugees living in the United Republic of Tanzania during the promotion phase. It also took note of the ceasefire agreement, which could be conducive to large-scale voluntary repatriation. It agreed to update data regarding the refugees who left Burundi in 1972, and those living outside the UNHCR camps in the United Republic of Tanzania, while encouraging them to use existing facilities for voluntary repatriation. The Commission endorsed the shift from facilitation to the promotion of voluntary repatriation of Burundian refugees in the United Republic of Tanzania, and agreed to examine the factors impeding large-scale voluntary repatriation. The urgent need for donor support for long-term reintegration projects for returning refugees was stressed.

46. The expulsion of Burundian illegal immigrants from the United Republic of Tanzania continued, with some 680 individuals deported during the reporting period. The Government of Burundi is working closely with the United Nations and international non-governmental organizations to register and assist all the deportees, before transporting them to their communities of origin. To date, most deportees have returned to Muyinga province, where a transit reception facility was established. While a significant number of deportees from other provinces have also been registered, there is lack of adequate humanitarian infrastructure to assist them. The issue of Burundian illegal immigrants in the United Republic of Tanzania is also being addressed bilaterally between the two Governments.

47. In the meantime, the voluntary return of Rwandan asylum-seekers in Burundi continued to advance with some 900 repatriated in November. Repatriations are being planned for December for the majority of the remaining 2,500 Rwandans at the Musasa camp in northern Burundi. The rest, who are expected to be granted refugee status by the Government of Burundi, will be transferred to a refugee camp in Rutana province.

Land issues

48. The increased rate of refugee returns has further exacerbated conflicts over land. Most refugees, in particular those who had fled in 1972, are returning in increasing numbers to find their lands now occupied by others. The Government recognizes the gravity of this problem, and on 3 November, Vice-President Nduwimana and provincial governors convened a first meeting with the recently established National Land Commission in Bujumbura. The 23-member Commission outlined its organizational structure including four subcommissions which will be responsible for work related to: (a) carrying out an inventory of public lands; (b) property issues; (c) compensations and reparations; and (d) land conflicts. It was agreed that provincial land committees would be established to work closely with the National Land Commission.

49. From 23 to 25 October, UNDP and other international partners organized a workshop in Makamba province with the provincial authorities which brought together various actors, including members of the National Land Commission, representatives of the refugees who left the country in 1972 and the current occupants of their land, administrative officials, non-governmental organizations and traditional elders. The workshop's main recommendation was for the Government to begin establishing pilot villages where non-agricultural employment opportunities could be created and the necessary vocational training provided.

Humanitarian situation

50. Despite an early start to the rainy season, displacements as a result of food shortages were reported, particularly in the northern provinces. During the reporting period, the Office for the Coordination of Humanitarian Affairs, the Food and Agriculture Organization of the United Nations and the World Food Programme carried out a joint food security assessment in Kirundo and Muyinga, which concluded that the overall food situation remained satisfactory, although small segments of the population continued to face severe food shortages and required direct food assistance.

51. Factors that could have a negative impact on the food security situation over the next two months include the current erratic rainfall patterns and a disease that has affected bananas, which are a staple and cash crop in Burundi. The United Nations and other partners are examining with the relevant national authorities how to fight this disease.

Socio-economic development

52. The World Bank and the International Monetary Fund (IMF) carried out assessment visits to Burundi during the reporting period. IMF determined that Burundi's macroeconomic indicators were generally satisfactory and consistent with earlier predictions, despite some delays in the implementation of ongoing structural reforms. However, concerns were raised by the Government's increasing of civil servants salaries, which might have a negative impact on the next annual budget. IMF suggested that donors increase their budget support contributions for the 2007 budget, while a broader donor support base should be mobilized. Currently, donors

contribute some \$73 million in direct budget support. The 2007 budget financing gap remains at \$13 million.

53. The World Bank visit provided an opportunity to assess the Bank's ongoing projects in Burundi. During the visit, the Bank held preliminary discussions with the Government on its Country Assistance Strategy for 2008-2010. On 1 November, the Government signed an agreement with an independent international audit firm, which will investigate the circumstances surrounding the recent sale of the presidential plane. That step made it possible for the World Bank on 27 November to release \$35 million to the Government as the first tranche of a grant for budget support.

54. With regard to bilateral support, several international partners demonstrated interest in the peace consolidation process in Burundi, and several missions took place during which development partnerships and assistance were agreed upon.

55. At the end of October, the first meeting of the Burundi-Belgium Development Commission took place in Bujumbura, during which a €60 million package for development cooperation for 2007-2009 was adopted, including €12.5 million for agricultural development. The package seeks to reinforce state capacity with an emphasis on good governance and support to social sectors.

56. During the reporting period, there were also pledges for development assistance by the European Union, the Netherlands, the African Development Bank, France and China. The Government and the European Union signed a €3.5 million grant agreement to support and develop the capacity of non-State actors, while the Netherlands and the Government signed a grant agreement to support a three-year €6 million microfinance project. Following the China-Africa summit in Beijing, held in early November, China committed a preliminary sum of ¥30 million in assistance to support education, health and capacity-building initiatives. The African Development Bank granted \$10.8 million for the Government's economic reform programme 2006-2008. During his visit to France in November, President Nkurunziza signed a €47 million development agreement to be implemented over five years, including activities in education, democratic governance, political party training and the resettlement of refugees and internally displaced persons.

V. Preparations for the United Nations Integrated Office in Burundi and drawdown of the United Nations Operation in Burundi

57. Following the adoption of resolution 1719 (2006), the United Nations senior management group in Burundi has been working to developing a common understanding of how the United Nations will support the national peace consolidation efforts in a cohesive manner and of practical modalities for enhancing United Nations coordination and integration at programmatic and operational levels. In addition to the United Nations common action plan for 2007-2008, the overall United Nations approach to peace consolidation will be articulated through the reformulation of the United Nations Development Assistance Framework for Burundi, and its extension until the end of 2008. The revised Framework, which is being renamed the United Nations Integrated Peace Consolidation Assistance Framework, will provide an integrated blueprint for operationalizing United Nations

support, in particular the peace consolidation priorities outlined in resolution 1719 (2006), the 2007-2008 United Nations common action plan and the Poverty Reduction Strategy Paper. The Framework will also provide the basis for joint programmes to be implemented within BINUB.

58. To ensure that BINUB is fully operational in January 2007, a number of joint programmes corresponding to the key mandated objectives for BINUB in the areas of governance, security sector reform, disarmament, demobilization and reintegration and human rights are being developed in close coordination with the Framework process. It is expected that these joint programmes, to which United Nations partners such as UNDP and OHCHR are contributing staff and resources, will serve as the main vehicles for achieving core mandated objectives in these areas, particularly in strengthening national capacities to ensure long-term sustainable outcomes. UNDP will contribute \$3 million in funding to the security sector reform and justice programmes to be carried out by BINUB.

59. To ensure close technical-level coordination between the United Nations and the Government in the establishment of BINUB, an integrated United Nations peacebuilding task force has been established. The task force serves as the primary technical interface with the Government on peace consolidation issues, and is working with Government technical experts on the development of the peacebuilding priority plan and the definition of appropriate coordination mechanisms between BINUB, the broader United Nations system, the Government and other partners to ensure a comprehensive and focused approach to peacebuilding in Burundi. In parallel, the United Nations will provide technical support to the Government for the donors' round table scheduled for early 2007 to mobilize resources for the implementation of the Poverty Reduction Strategy Paper and strengthen donor coordination.

60. In the meantime, the military drawdown of ONUB has proceeded in accordance with its adjusted withdrawal schedule. As at 28 November, the ONUB military strength in Burundi stood at 1,522 military personnel, including 77 military observers and 51 staff officers. Since my last report, the repatriation of the South African maritime unit has been completed and the withdrawal of the Nepalese infantry battalion is expected to be completed in early December. Meanwhile, the withdrawal of all remaining ONUB military personnel will be completed before the end of December.

61. From an administrative perspective, ONUB has stepped up its planned transition to BINUB while providing logistical and administrative support for the drawdown of its military component. The BINUB transition plan will run in parallel with the liquidation of ONUB up to 30 June 2007, allowing for the sharing of resources.

62. The downsizing and liquidation plans for ONUB have been prepared in advance on the basis of the Mission's exit strategy, which outlines the drawdown of activities, reduction of staff and disposal of assets in a timely, phased and coordinated manner. An asset disposal plan has been prepared and action taken for surplus assets to be transferred to other peacekeeping missions. In the meantime, the United Nations and the Government are consulting on the Government's formal requests for the donation of some ONUB assets to the country, taking into consideration the General Assembly rules and regulations on this matter.

63. It is envisaged that BINUB headquarters will be situated at the location currently used as integrated mission headquarters. The newly established Integrated Office will also maintain three small, primarily human rights offices, in Gitega, Ngozi and Makamba. ONUB's current logistical facilities in Bujumbura will be consolidated to meet BINUB's operational requirements.

VI. Contribution of the United Nations Operation in Burundi to the Burundi peace process

64. With the conclusion of the ONUB mandate, I would like to reflect on the significant contributions which the United Nations and particularly ONUB have made to the Burundi peace process. Deployed in June 2004, in the final phase of the transitional period, ONUB has been instrumental in creating the conditions that allowed Burundi to complete the process started by the 2000 Arusha Peace and Reconciliation Agreement, which ONUB was mandated to support.

65. The main elements of the mandate included: (a) the monitoring and implementation of the various ceasefire agreements, including the conduct of the disarmament, demobilization and reintegration process for combatants and reform of the security sector; (b) the promotion and protection of human rights; (c) monitoring illegal flows of weapons in cooperation with MONUC; (d) contributing to the successful completion of the electoral process; (e) the creation of security conditions for the delivery of humanitarian assistance; and (f) the protection of civilians under imminent threat of physical violence.

66. From the outset, the United Nations played a critical mediation role that led to agreement on the extension of the transitional period, which was to have expired on 31 October 2004, in order to allow the necessary time to prepare, organize and conduct the national elections. ONUB also played an important role in the appointment of an Independent Electoral Commission and the prompt establishment of a provisional electoral calendar. Through the Arusha Agreement's Implementation Monitoring Committee, which was chaired by ONUB, many critical issues of contention among the Burundian parties were resolved, leading to a smooth conclusion of the transitional period and the peaceful transfer of power to the elected Government.

67. The Government and other actors have acknowledged that without extensive political, military, technical and logistical support from ONUB, the referendum and five subsequent elections could not have been successfully conducted between February and September 2005. ONUB also strongly advocated and helped to mobilize women's participation, both as voters and as candidates, in the electoral process including the revision of the Constitution and the electoral laws to include gender concerns.

68. While lending extensive support to the electoral process, the United Nations concurrently played a very active role in supporting the disarmament and demobilization of over 20,000 former combatants and the complex process that led to the creation of an integrated FDN and an integrated national police force.

69. Human rights is another area where the Organization has made a contribution. The presence of ONUB throughout Burundi has provided for a thorough and systematic monitoring of the human rights situation. The wide distribution of

monthly reports in Kirundi, French and English increased public awareness of human rights issues. Through partnerships with national and international human rights actors, ONUB has worked towards the establishment of national institutions to promote respect for human rights. The challenges in this area remain significant, but the work done by ONUB has laid the foundation upon which more efforts will have to be made to ensure the eradication of the culture of impunity, which persists after more than a decade of conflict.

70. Other areas where ONUB has had a significant positive impact include the monitoring of borders and the provision of military escorts, which helped to establish an environment conducive to the provision of humanitarian assistance; logistical support for the return of refugees; and vitally needed police training for the newly integrated National Police. At the community level, ONUB military contingents carried out quick-impact projects involving the construction of hospitals, orphanages and community buildings. Through its public information capacity, ONUB has carried out important sensitization campaigns in support of the electoral and disarmament and demobilization processes and has enhanced public awareness of key governance issues. ONUB also played a vital role in the finalization of the Poverty Reduction Strategy Paper. The close political and operational cooperation between ONUB and MONUC enhanced regional security and ensured a more efficient use of United Nations assets.

71. One of the final contributions of ONUB to the peace process was supporting the negotiations between the Government and FNL, which, under the auspices of the Regional Peace Initiative and the South African Facilitation, led to the signing of the Agreement of Principles towards Lasting Peace, Security and Stability in Burundi in June, as well as the comprehensive ceasefire agreement in September.

72. It should be noted that the first conduct and discipline unit in a United Nations peacekeeping operation was established in ONUB. Consequently, it has served to set the standard for dealing with conduct and discipline matters. From the outset, the Mission's leadership emphasized the imperative of establishing and upholding the highest standards of staff conduct. Eighteen cases of sexual exploitation and abuse were reported and thoroughly investigated during the Mission's mandated period.

73. ONUB could not have successfully completed any of these critical tasks without the support of the people of Burundi. Likewise the Mission, building on the work carried out by the African Mission in Burundi, could not have achieved what it did without the strong political, military and financial support of Burundi's regional and international partners, including the Regional Peace Initiative for Burundi, the South African Facilitation, the African Union and many other international bilateral and multilateral partners.

VII. Observations

74. Despite the progress that has been made during the ONUB mandate, the situation in Burundi is still fragile and major peace consolidation challenges remain. It is regrettable that the positive momentum created by the signing of the comprehensive ceasefire agreement in September has not been maintained; prolonged delays in the agreement's implementation could pose risks for long-term stability in the country. In this regard, the recent steps taken by the Government to address some of the concerns of FNL, including the adoption of the law granting

provisional immunity to FNL members, are welcome. I urge both parties, but in particular FNL, to demonstrate the good will needed to ensure that outstanding issues are resolved and that implementation of the agreement proceeds without delay. In this regard, the tireless efforts of the South African Facilitation in assisting the parties to achieve that goal are most appreciated. I would urge all regional and international stakeholders to continue to support Burundi in completing this final and critical phase in the peace process.

75. In the meantime, the African Union's decision to establish a special task force in Burundi to support the implementation of the agreement is an encouraging development. With the departure of ONUB, at the request of the Government, at the end of 2006, the task force will assume the responsibilities which under the agreement, would have been carried out by the ONUB force, as outlined in paragraph 8 above. I trust that the African Union is taking this fully into consideration in determining the size of the task force and the resources available to it. Subject to General Assembly approval, the Secretariat is prepared to give consideration to the possible provision of some logistical support necessary for making this important task force operational, using for this purpose current ONUB assets. Meanwhile, I urge international partners to provide all possible assistance to the African Union special task force in view of the importance of its duties.

76. While the Government's recent initiative to engage some of the political parties in dialogue is a positive step, I remain very concerned by the very troubling developments over the past several months, which if not rectified by the Government could cause the peace process to unravel. The rising tensions between the Government and the media, as well as the continued allegations of serious and widespread human rights abuses committed by the national security forces, are among the issues of serious concern. The Government needs to address these issues urgently in a comprehensive, determined and unequivocal manner, including through demonstrating its commitment to ensuring an inclusive political environment and guaranteeing basic democratic principles, including the right to free speech.

77. The national authorities also need to ensure respect for legal procedures and international human rights treaties that Burundi has ratified. It is only through full respect for the rule of law and fundamental freedoms that an environment conducive to lasting peace and sustainable development can be created.

78. While ensuring due process and a fair and transparent trial for those detained in connection with the alleged coup plot, including the former President and Vice-President, the Government should also make every effort to resolve this delicate issue in a genuine spirit of national reconciliation.

79. Despite the Government's economic initiatives and increasing donor support, the challenges of providing basic services to the population and reabsorbing the hundreds of thousands of returning refugees and former combatants remain enormous. International partners are strongly urged to contribute generously towards addressing these and other important tasks indispensable for the consolidation of peace, including through the framework of the donors' round table to be held in early 2007. In turn, and in order to allay any concerns on the part of donors, the Government needs to press ahead, in coordination with its partners, with major reforms to ensure accountable and transparent economic management and

good governance. The Peacebuilding Commission has a critical role to play in that context.

80. Given the daunting challenges still facing the country, and the Government's request that the United Nations peacekeeping presence complete its withdrawal by 31 December 2006, I am pleased that the Security Council concurred with my recommendation for the establishment of BINUB. With the departure of ONUB, the Organization intends to continue to help the people of Burundi to address the root causes and immediate consequences of conflict, develop the capacity to sustain peace and create a propitious environment for economic recovery and development. However, the successful implementation of the BINUB mandate will ultimately depend on the Government and people of Burundi taking the lead in pressing ahead to consolidate Burundi's hard-won but fragile peace.

81. In conclusion, I would like to express my appreciation for the acting Special Representative for Burundi, Nureldin Satti, and all those men and women who have served in ONUB since June 2004, including Carolyn McAskie, my Special Representative for Burundi until March 2006, for their invaluable contributions to the successful implementation of the mandate of ONUB. My appreciation also goes to all troop- and police-contributing countries, United Nations staff, non-governmental organizations and the bilateral and multilateral donors, as well as the Regional Peace Initiative for Burundi and the African Union, for their generous contributions to peace consolidation efforts in Burundi.





**General Assembly
Security Council**

Distr.: General
18 December 2006
English
Original: Arabic

**General Assembly
Sixty-first session
Agenda item 13
The situation in the Middle East**

**Security Council
Sixty-first year**

**Identical letters dated 18 December 2006 from the Chargé
d'affaires a.i. of the Permanent Mission of Lebanon to the
United Nations addressed to the Secretary-General and the
President of the Security Council**

On the instructions of my Government, I transmit to you herewith a statistical summary of Israeli violations between 8 and 14 December 2006 (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the sixty-first session of the General Assembly, under agenda item 13, and of the Security Council.

(Signed) Caroline **Ziade**
Chargé d'affaires a.i.



**Annex to the identical letters dated 18 December 2006 from the
Chargé d'affaires a.i. of the Permanent Mission of Lebanon to
the United Nations addressed to the Secretary-General and the
President of the Security Council**

**Re: Israeli violations, acts of aggression and activities from 8 to 14 October 2006,
inclusive**

Air violations

On 8 December 2006, between 0757 hours and 1215 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace over the sea off Biyada and circled over areas of the South. It then departed Lebanese airspace over Rmaich.

On the same date, between 1200 hours and 1410 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace over Aalma al-Chaab and circled over regions of the South. It then departed Lebanese airspace over Rmaich.

On the same date, between 1526 hours and 1535 hours, an enemy Israeli warplane violated Lebanese airspace and overflew the town of Tebnine at very high altitude.

On the same date, between 1553 hours and 1555 hours, an enemy Israeli warplane violated Lebanese airspace and overflew the towns of Bent Jbail and Maroun al-Ras at very high altitude.

On 9 December 2006, between 1758 hours and 1955 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace and circled over the regions of the South. It departed Lebanese airspace over the sea off Al-Naqoura.

On 11 December 2006, between 0035 hours and 0345 hours, an enemy Israeli reconnaissance aircraft overflew the Bent Jbail area, thereby violating Lebanese airspace.

On the same date, between 1105 hours and 1140 hours, two enemy Israeli warplanes violated Lebanese airspace over Kfar Kila. They then departed Lebanese airspace over the sea off the city of Tripoli.

On the same date, between 1202 hours and 1207 hours, two enemy Israeli warplanes violated Lebanese airspace over the sea off Beirut in a south-easterly direction. They then departed Lebanese airspace over Aalma al-Chaab.

On the same date, between 1207 hours and 1525 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace over the sea off Tyre, and circled over areas of the South. It then departed Lebanese airspace over Rmaich.

On the same date, between 1212 hours and 1245 hours, two enemy Israeli warplanes violated Lebanese airspace over Al-Naqoura and circled over areas of the South. They then departed Lebanese airspace over the sea off Al-Naqoura.

On the same date, between 1221 hours and 1315 hours, four enemy Israeli warplanes violated Lebanese airspace over Al-Khiam, and circled over areas of the South and the western Bekaa. They then departed Lebanese airspace over Aalma al-Chaab.

On the same date, between 1500 hours and 1800 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace over the sea off Tyre, and circled over areas of the South. It then departed Lebanese airspace over Aalma al-Chaab.

On the same date, between 1642 hours and 1955 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace over the sea, and circled over areas of Sidon, east of Sidon, and the South. It then departed Lebanese airspace over Aalma al-Chaab.

On 13 December 2006, between 1545 hours and 1550 hours, seven enemy Israeli warplanes violated Lebanese airspace at low altitude over the Yaroun area and the Blue Line opposite Rmaich and Aaita al-Chaab.

On the same date, between 1700 hours and 1745 hours, an enemy Israeli warplane overflew Meis al-Jabal.

On the same date, between 2200 hours and 2340 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace over Aaitaroun, and circled over the South region. It departed Lebanese airspace over Aalma al-Chaab.

On 14 December 2006, between 1030 hours and 1115 hours, an enemy Israeli reconnaissance aircraft overflew the Al-Khardali area, thereby violating Lebanese airspace.

On the same date, between 1804 hours and 2110 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace over Aalma al-Chaab in a northerly direction, and circled over areas of the South. It then departed Lebanese airspace over Al-Naqoura.

On the same date, at 2100 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace over Aalma al-Chaab in a northerly direction. It departed Lebanese airspace on 15 December 2006 at 0010 hours over Al-Naqoura.

Sea violations

On 14 December 2006, at 1909 hours, in the open sea off Ras al-Naqoura, an enemy Israeli military launch fired a flare bomb and a number of rounds of medium-machine-gun fire in the direction of the demarcation buoys after two Lebanese fishing vessels had approached said buoys.

Field violations

On 8 December 2006, at 1209 hours, in occupied Palestinian territory in one of the pillboxes opposite the 11th Brigade's Aadaisse checkpoint, an enemy Israeli soldier proceeded to aim his weapon in the direction of a Lebanese army military vehicle (a Jeep Willis) that was transporting soldiers to Al-Nabi 'Uwayda hill. He continued aiming in its direction until it disappeared from his view.

On 14 December 2006, at 1235 hours, in the Azra'il location near the al-Ramta outpost (outside of Kfar Chouba), two enemy Israeli forces tanks advanced and positioned themselves at the aforementioned location, while an enemy infantry detachment crossed 400 metres into Lebanese territory, chased several Lebanese youths (livestock herders) and fired a round in their direction without hitting them. The enemy infantry detachment withdrew and a patrol of the Indian UNIFIL contingent arrived on the scene.

**Security Council**

Distr.: General
19 December 2006

Original: English

Argentina, Denmark, France, Greece, Japan, Peru, Russian Federation, Slovakia, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling the statement of its President of 22 June 2006 (S/PRST/2006/28),

Emphasizing that sanctions are an important tool in the maintenance and restoration of international peace and security,

Further emphasizing the obligations placed upon all Member States to implement, in full, the mandatory measures adopted by the Security Council,

Continuing in its resolve to ensure that sanctions are carefully targeted in support of clear objectives and implemented in ways that balance effectiveness against possible adverse consequences,

Committed to ensuring that fair and clear procedures exist for placing individuals and entities on sanctions lists and for removing them, as well as for granting humanitarian exemptions,

1. *Adopts* the de-listing procedure in the document annexed to this resolution and *requests* the Secretary-General to establish within the Secretariat (Security Council Subsidiary Organs Branch), a focal point to receive de-listing requests and to perform the tasks described in the attached annex;

2. *Directs* the sanctions committees established by the Security Council, including those established pursuant to resolution 1718 (2006), 1636 (2005), 1591 (2005), 1572 (2004), 1533 (2004), 1521 (2005), 1518 (2003), 1267 (1999), 1132 (1997), 918 (1994), and 751 (1992) to revise their guidelines accordingly;

3. *Decides* to remain seized of the matter.



De-listing procedure

The Security Council requests the Secretary-General to establish, within the Secretariat (Security Council Subsidiary Organs Branch), a focal point to receive de-listing requests. Petitioners seeking to submit a request for de-listing can do so either through the focal point process outlined below or through their state of residence or citizenship.¹

The focal point will perform the following tasks:

1. Receive de-listing requests from a petitioner (individual(s), groups, undertakings, and/or entities on the Sanctions Committee's lists).
2. Verify if the request is new or is a repeated request.
3. If it is a repeated request and if it does not contain any additional information, return it to the petitioner.
4. Acknowledge receipt of the request to the petitioner and inform the petitioner on the general procedure for processing that request.
5. Forward the request, for their information and possible comments to the designating government(s) and to the government(s) of citizenship and residence. Those governments are encouraged to consult with the designating government(s) before recommending de-listing. To this end, they may approach the focal point, which, if the designating state(s) so agree(s), will put them in contact with the designating state(s).
6. (a) If, after these consultations, any of these governments recommend de-listing, that government will forward its recommendation, either through the focal point or directly to the Chairman of the Sanctions Committee, accompanied by that government's explanation. The Chairman will then place the de-listing request on the Committee's agenda.
- (b) If any of the governments, which were consulted on the de-listing request under paragraph 5 above oppose the request, the focal point will so inform the Committee and provide copies of the de-listing request. Any member of the Committee, which possesses information in support of the de-listing request, is encouraged to share such information with the governments that reviewed the de-listing request under paragraph 5 above.
- (c) If, after a reasonable time (3 months), none of the governments which reviewed the de-listing request under paragraph 5 above comment, or indicate that they are working on the de-listing request to the Committee and require an additional definite period of time, the focal point will so notify all members of the Committee and provide copies of the de-listing request. Any member of the Committee may, after consultation with the designating government(s), recommend de-listing by forwarding the request to the Chairman of the Sanctions Committee, accompanied by an explanation. (Only one member of the Committee needs to recommend de-listing in order to place the issue on the Committee's agenda.) If after one month, no Committee member recommends de-listing, then it shall be

¹ A State can decide, that as a rule, its citizens or residents should address their de-listing requests directly to the focal point. The State will do so by a declaration addressed to the Chairman of the Committee that will be published on the Committee's website.

deemed rejected and the Chairman of the Committee shall inform the focal point accordingly.

7. The focal point shall convey all communications, which it receives from Member States, to the Committee for its information.

8. Inform the petitioner:

(a) Of the decision of the Sanctions Committee to grant the de-listing petition; or

(b) That the process of consideration of the de-listing request within the Committee has been completed and that the petitioner remains on the list of the Committee.



Security Council

Distr.: General
22 December 2006

Original: English

Note by the President of the Security Council

I have the honour to transmit herewith a letter dated 18 December 2006 from the Chairman of the Informal Working Group of the Security Council on General Issues of Sanctions addressed to the President of the Security Council, enclosing the report of the Informal Working Group (see annex).

Annex

**Letter dated 18 December 2006 from the Chairman of the
Informal Working Group of the Security Council on General
Issues of Sanctions addressed to the President of the
Security Council**

I have the honour to transmit herewith the report of the Informal Working Group on General Issues of Sanctions, which represents a year-long effort of the members, pursuant to their mandate "to develop general recommendations on how to improve the effectiveness of United Nations sanctions" (see S/2005/841 of 29 December 2005).

I would appreciate it if the present letter and its annex were brought to the attention of the members of the Security Council and issued as a document of the Security Council.

(Signed) Adamantios Th. **Vassilakis**

Chairman

Informal Working Group on General Issues of Sanctions

Report of the Informal Working Group of the Security Council on General Issues of Sanctions

Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction	1	4
II. Sanctions design, implementation, evaluation and follow-up	2-7	4
A. Design	3	4
B. Implementation	4-6	5
C. Evaluation and follow-up	7	6
III. Monitoring and enforcement	8-13	6
A. Working methods of expert groups	9	7
B. Implementation of the recommendations of expert group reports	10	7
C. Roster of experts	11	8
D. Information management	12	8
E. Visits to the region by chairpersons	13	8
IV. Committee working methods	14-16	9
V. Methodological standards for reports of sanctions monitoring mechanisms (criteria and best practices)	17-32	10
A. Common methodological standards	19-20	10
B. Possible steps for clarifying methodological standards	21-30	11
C. Other factors that affect methodological standards	31-32	12
VI. Criteria and best practices for a standard format for reports of sanctions monitoring mechanisms	33-54	12
A. Technical format of the reports of monitoring mechanisms	34-40	13
B. Standard contents of the reports of monitoring mechanisms	41-54	13

I. Introduction

1. The members of the Informal Working Group on General Issues of Sanctions held seven informal consultations pertaining to its mandate to "develop general recommendations on how to improve the effectiveness of United Nations sanctions" (S/2005/841), and approved the following best practices with respect to sanctions design, implementation, evaluation and follow-up, committee working methods, monitoring and enforcement, and methodological standards and reporting format for expert groups.

II. Sanctions design, implementation, evaluation and follow-up

2. For targeted sanctions to be effective, appropriate action must be taken at all decision-making levels: the Security Council, the sanctions committee, Member States and their administrative agencies. Proper design, implementation, ongoing evaluation and follow-up of sanctions regimes are key elements that contribute to the effectiveness of sanctions.

A. Design

3. Pre-assessment or early assessment and standard language and terminology are essential ingredients for effective sanctions design, including accurate targeting. The Security Council should:

(a) In drafting resolutions, give due consideration to the feasibility of targeted sanctions and their implications, as well as the most appropriate mix of targeted measures. If it is feasible and appropriate to prepare pre-assessment or early assessment reports, they should be clear regarding the behaviour the Security Council is seeking to change; the identity of the responsible actors/entities; the means available to the target to take evasive action; and the possible humanitarian, political, and economic impacts;

(b) Utilize standard language and terminology and consider the following elements in its sanctions resolutions:

(i) To the extent possible, and as deemed feasible and appropriate, define in general language dual-use items that are intended by the Council to be included under the arms embargo;

(ii) Clearly define the scope of the sanctions, as well as the conditions and criteria for their easing or lifting;

(iii) Standardize humanitarian and other exemptions to all targeted measures, including arms embargoes, travel restrictions, aviation bans and financial sanctions;

(iv) Provide for a credible mechanism to monitor the sanctions regime, and ensure that full account is taken of logistical and budgetary support needed by expert groups to fulfil their mandates, including the provision of an adequate time period for inquiry and reporting. Failure to anticipate, budget and supply adequate support, financial and otherwise, to expert groups can result in costly

delays in their field inquiries, in incomplete inquiries, and in unduly long gaps between mandates;

(v) Encourage committees to draw up guidelines to ensure that the selection of individuals and entities for listing is based on fair and clear procedures;

(vi) Encourage committees to conduct regular reviews of names on the list; to ensure, to the degree possible, maximum specificity in identifying individuals and entities to be targeted; and to adopt guidelines based on fair and clear procedures for delisting early in a sanctions regime;

(vii) Urge donors, including States and international and regional organizations with the capacity to do so, to offer appropriate technical and financial assistance to States that need such assistance.

B. Implementation

4. Throughout a sanctions regime, the relevant committee should encourage Member States to identify/establish national coordination mechanisms to improve implementation of the sanctions regime by:

(a) Maintaining commitment and ensuring national coordination:

(i) Inform and periodically remind Member States of the purpose of the sanctions and of their duties under the relevant resolution;

(ii) Extend public recognition to Member States that complete their reporting and implementation measures fully and in due time;

(iii) Encourage Member States to establish effective interdepartmental coordination between relevant agencies and to identify central contact points for the transmission of information about the implementation of targeted sanctions;

(iv) Encourage Member States to cooperate through regional organizations to identify best practices, cooperate with expert panels and sanctions committees and report violations;

(b) Assisting in building national capacity:

(i) Ensure that a lack of capacity to implement sanctions effectively is specifically addressed by States lacking such capacity in their reports to committees;

(ii) Invite States to seek technical assistance if they lack the capacity to implement sanctions effectively;

(iii) Determine best practices for capacity-building and disseminate them to Member States;

(iv) Seek resources for the Secretariat to establish a database of available technical assistance for capacity-building;

(v) Encourage donors to bear in mind that any downward adjustment in the level of aid and assistance to populations in targeted States, particularly in cases where certain economic sectors (such as timber or diamonds) are

targeted, could affect how the population in the targeted State perceives the aim of sanctions.

Strengthening Secretariat capacity

5. It is recommended that the Security Council take note of the informal background non-paper prepared by the Security Council Subsidiary Organs Branch, stating that the proliferation of expert groups has strained its ability to provide needed substantive, administrative, logistical and analytical support. The Security Council should request the Secretary-General to explore ways to ensure that the Secretariat is adequately staffed to fulfil effectively its mandated tasks. This could be accomplished by retaining the current structure of ad hoc expert groups and reallocating Secretariat resources to the Subsidiary Organs Branch so that it can adequately provide support to expert groups.

6. The Security Council should request the Secretary-General to explore ways to provide the Secretariat with the necessary resources for maintaining an information management system for the storage, retrieval and sharing of information among expert groups. Such an information management system should use and integrate to the fullest extent possible design elements that are already in use in the database of the Al-Qaida and Taliban Sanctions Committee.

C. Evaluation and follow-up

7. It is recommended that the Security Council:

(a) Conduct periodic review and evaluation of sanctions regimes, their political impact and their unintended effects on civilian populations, bearing in mind State obligations according to international law, and make adjustments, as appropriate;

(b) Devise a communications strategy (targeted sanctions must be clearly described and understood as measures to maintain international peace and security, not as a punitive measure) and maintain continuous public information efforts oriented towards civilian populations in the target State and in neighbouring States on the rationale of sanctions in order to encourage compliance.

III. Monitoring and enforcement

8. One of the significant innovations in the work of the Security Council in recent years is the creation of independent expert groups to monitor the implementation of sanctions. Monitoring arrangements are in place for most of the active sanctions regimes, including Al-Qaida/Taliban, Côte d'Ivoire, the Democratic Republic of the Congo, Liberia, Somalia and the Sudan. These groups have made a valuable contribution to the effort to detect and correct violations and to the overall goal of enhancing compliance.

A. Working methods of expert groups

9. The working methods of expert groups have developed through a system of trial and error. Any perception of less than rigorous standards in the conduct of any aspect of their work can call into question the integrity of their entire reports. Some recommended actions are:

(a) To establish clear guidelines for expert groups to consult in order to ensure that, while these groups maintain their independence, their inquiries and findings meet appropriately high standards (including reliability of sources; validity of information; identifying names; and right of reply to individuals, entities and States). The guidelines would be based on best practices, drafted in consultation with monitoring experts and possibly other relevant parties, including Member States, and take into consideration the distinct nature of Security Council sanctions regimes and mandates;

(b) To establish, in consultation with monitoring experts, minimum standard criteria for the format of expert group reports, taking into consideration the distinct nature of Security Council sanctions regimes and mandates, and encourage a practical and action-oriented approach;

(c) To encourage expert groups to clarify the terms of reference for their work with the Committee at the outset, or at any time during their mandate;

(d) To promote increased cooperation and interaction among the various expert groups to increase efficiency and decrease duplication of effort;

(e) To address the problem concerning the time required for the Secretariat to appoint monitoring mechanisms and process their reports;

(f) To address the problem concerning the limited time available to the monitoring experts to conduct their work (and how this affects the quality of their work on the ground and report drafting).

B. Implementation of the recommendations of expert group reports

10. A number of steps should be taken to improve the implementation of expert group recommendations that are approved by the Security Council:

(a) Committees agree on a standardized format for the presentation of experts' recommendations for consideration, and prioritize recommendations according to criteria such as urgency and ease of implementation;

(b) Identify the appropriate actor for each recommendation and initiate action and follow-up;

(c) Write to States where an individual or State authority is alleged to have violated sanctions, requesting a prompt response and corrective action and follow-up as the Committee deems necessary;

(d) Continue, on a case-by-case basis, to invite relevant parties, including neighbouring States, to come to the Committee to exchange information on sanctions implementation; seek further information from States alleged to have violated sanctions; and make the outcome of the discussion public, perhaps in the committee's annual report;

(e) Incorporate guidance on committee follow-up action in the guidelines for the conduct of work;

(f) The Security Council should seek to provide, in the event it chooses to refrain from implementing a recommendation proposed by an expert group, an explanation for its reasons, if and when it deems it appropriate.

C. Roster of experts

11. In order to establish a standardized and transparent system for identifying candidates for expert groups, the Secretariat set up some years ago an expert roster of candidates drawn from a variety of sources, including Member State submissions, academia and non-governmental organizations. Selection is based on the criteria of specialized expertise in the area of competence and academic qualifications, with due regard to equitable geographic distribution, gender balance and references. This system could be improved by:

(a) Continuing periodic review of the interest and availability of candidates and revising the roster accordingly;

(b) Instituting a transparent system of performance evaluation for members of expert groups;

(c) Considering the possibility of engaging monitoring experts for longer periods of time while avoiding the risk of compromising their independence;

(d) Increasing efforts to seek candidates with cultural and country-related knowledge relevant to the mandates of monitoring mechanisms.

D. Information management

12. The project to design a centralized, retrievable database for the documents and information accumulated by expert groups and monitoring mechanisms should use and integrate to the fullest extent possible design elements that are already in use in the Al-Qaida and Taliban Sanctions Committee-related database. Steps should also be taken to:

(a) Identify additional ways to enhance the institutional memory of the Secretariat with regard to the practice and precedent of sanctions administration;

(b) Establish a system for making such material available to expert groups at the outset of their mandate.

E. Visits to the region by chairpersons

13. Committee chairpersons should continue the practice of visits to the region of targeted countries to monitor sanctions implementation, in accordance with the note by the President of the Security Council dated 29 January 1999 (S/1999/92), and report to the Council in instances of significant or serious non-compliance.

IV. Committee working methods

14. Increased information sharing in the sanctions process would enhance transparency and contribute to better implementation of the sanctions measures. In addition, providing populations in target States with more information about the scope and purpose of sanctions would reduce their vulnerability to anti-sanctions propaganda.

15. Increased transparency in the work of sanctions committees as well as outreach to international media are some ways to address these issues. More use could be made of advanced communication technology to increase the interaction of various actors with the committees, while minimizing costs.

16. The following are suggested ways to improve committee working methods:

Procedures

(a) Committees to harmonize guidelines, as they deem appropriate, including procedures for listing and delisting, and publicize guidelines by note verbale to all Member States, as well as by posting on committee websites;

(b) Make States' reports publicly available on committee websites unless a State specifically requests that its report be kept confidential;

(c) Provide a standard template to assist States in meeting reporting requirements;

(d) Chairpersons to issue press releases and use other means to publicize which States have submitted reports on implementation and encourage States, which have not submitted reports, to do so, subject to the approval of the concerned committee (currently, annual reports list only those States that have reported);

(e) Chairpersons to meet frequently to discuss common concerns, best practices and ways to improve mutual cooperation;

(f) Committees, if they deem it appropriate, to include in their guidelines a provision for regular reviews of "holds" placed by members;

Outreach

(g) Chairpersons to regularly brief (singly or jointly) non-members on the status of the monitoring and implementation of sanctions. Open meetings of the Security Council could also be convened for this purpose;

(h) Committees, as they deem feasible and appropriate, to announce all meetings to the public (in the *Journal of the United Nations* and/or on their websites) and seek to provide a provisional agenda and brief summary of decisions;

(i) Chairpersons to engage with the international media (including United Nations Radio and Television in the field) to provide information on (i) the rationale behind sanctions; (ii) the criteria for their lifting; (iii) problems involved with monitoring and implementation; and (iv) sanctions violations and non-compliance by States;

(j) Committees to improve public dissemination of the published reports of the expert groups, while preserving the confidentiality of classified documents;

Interaction

(k) Committees to encourage regular inputs from target and neighbouring States as to challenges they face in sanctions monitoring and implementation;

(l) Improve methods for routine engagement of regional and subregional organizations in support of sanctions implementation by establishing channels for exchanging information with such organizations (e.g. Economic Community of West African States, African Union), including providing assistance to and receiving assistance from such regional organizations;

(m) Improve communication links between the United Nations and specialized international organizations, drawing their attention to actions in their area of competence mentioned in Security Council resolutions, and to matters within their competence identified in expert group reports (e.g. International Civil Aviation Organization, World Customs Organization, Interpol, Kimberley Process);

(n) Strengthen interaction with non-governmental organizations, when deemed necessary, on issues where they maintain a regional presence and explore options to increase the opportunities for consultation with key private-sector actors on sanctions-related issues.

V. Methodological standards for reports of sanctions monitoring mechanisms (criteria and best practices)

17. The establishment of sanctions monitoring mechanisms is an important innovation in the structure of Security Council sanctions regimes, which has contributed to more effective sanctions implementation. Through their inquiries in States affected by sanctions, these mechanisms have shed significant light on how targeted sanctions, including arms embargoes, are implemented, as well as on various possible ways that sanctions are violated. These mechanisms have contributed to an understanding of both the nature and scope of obstacles to more systematic compliance, thereby enhancing the overall capacity of the United Nations to refine and tighten targeted sanctions measures.

18. The methodological standards used by monitoring mechanisms have evolved with experience gained through their fact-finding work. Insufficiently supported allegations of non-compliance and sanctions violations publicized in a United Nations report could call into question the integrity of the entire report. For this reason, there is room for further improvement of, as well as agreement on, methodological standards for sanctions monitoring mechanisms.

A. Common methodological standards

19. Sanctions monitoring mechanisms are established by the Security Council in support of subsidiary organs. As such, they are organs with different and distinct mandates, of independent, expert and non-judiciary character, with no subpoena powers, whose primary role is to provide sanctions-related information to the relevant committees. However, given that the findings of the monitoring mechanisms (either their reports or documents or testimonies of their individual

members), may be used by judicial authorities, their methodological standards may affect the credibility of the Organization.

20. Common methodological standards, allowing for differing mandates and drawing on the best practices and lessons learned from the accumulated experience of past and present sanctions monitoring mechanisms, could provide a useful reference point for such mechanisms for identifying and verifying sanctions violations and for evaluating the reliability of sources.

B. Possible steps for clarifying methodological standards

Transparency and sources

21. Whenever possible, monitoring mechanisms should identify the sources of information contained in their reports, ensure that such information is as transparent and verifiable as possible to protect the credibility of findings and the integrity of the process, and check and corroborate all citations and facts.

Documentary evidence

22. Monitoring mechanisms should rely on verified documents and, wherever possible, on first-hand, on-site observations by the experts themselves, including photographs.

Assertions corroborated by independent verifiable sources

23. Monitoring mechanisms should endeavour to ensure that their assertions are corroborated by solid information and that their findings are substantiated by credible sources.

Confidential sources

24. Monitoring mechanisms should take particular care when analysing the reliability of confidential information, keeping in mind the identity and role of the source of such information. Upholding the confidentiality of sources of information regarding sanctions-busting or non-compliance may be necessary to ensure the personal safety of individual sources. In all cases, efforts should be made to ensure the veracity of information gained in confidence against independent and verifiable sources.

25. While maintaining the confidentiality of certain sources, experts could provide more clarification on such sources by attributing such information received from States to an "official but confidential" source. Similarly, confidential information obtained from an individual could be identified by referring to the office or professional position of the individual.

Stating methodological standards

26. Monitoring mechanisms should, where appropriate, state their methodological standards at the outset of each report and adhere to those standards.

Briefing on available sources

27. Monitoring mechanisms are assisted in their work by being informed of, or receiving copies of guidelines and material from, previous monitoring mechanisms and by being made aware of relevant resources available to them through the United Nations system.

Opportunity to review, comment and respond

28. Monitoring mechanisms should emphasize impartiality and fairness during the report drafting process, and make available to relevant parties (State authorities, entities or individuals), if appropriate, any evidence of wrongdoing for their review, comment and response, within a specified deadline. Rebuttals, with an assessment of their credibility, and corrections regarding already published allegations, should be included in subsequent reports.

Secretariat briefings

29. The Secretariat briefs newly established monitoring mechanisms at the outset of their work, including on the legal status of individual experts and bodies, coordination with other United Nations bodies on the ground, relationship with the Security Council and the Secretary-General, administrative and personnel issues and methodological standards.

30. Such briefings should be available when a monitoring mechanism is established and each time it is re-established, in particular to ensure that all newly appointed experts are briefed. In addition, these briefings could usefully be expanded with respect to best practices and monitoring mechanisms could benefit from access to legal advice from the Secretariat during the entire period of their missions.

C. Other factors that affect methodological standards

31. Ensuring the quality and reliability of monitoring mechanism reports can be facilitated by the appointment of the best qualified experts.

32. The Security Council and its committees should be as precise and unambiguous as possible concerning the measures imposed by resolutions and the tasks mandated to monitoring mechanisms and should provide all guidance requested by the mechanisms in a timely manner.

VI. Criteria and best practices for a standard format for reports of sanctions monitoring mechanisms

33. In order to improve the format of the reports of sanctions monitoring mechanisms and to make use of the best practices which these mechanisms have developed over time through their experience with report writing, common guidelines should be provided as a reference point for such mechanisms. The common guidelines should take into account that monitoring mechanisms have distinct mandates and work under different conditions. As such, these guidelines should be non-binding.

A. Technical format of the reports of monitoring mechanisms

34. The language of the reports of the monitoring mechanisms should be clear, focused and concise.
35. The software used for the reports as well as the applied font, font size, spacing, page numbering, etc. should adhere to a common standard set by the Secretariat and provided to each monitoring mechanism in template form.
36. Illustrative material (including graphs, charts, maps and photographs) to be included in the reports should be submitted digitally in a format which can be imported by the standard software used for the reports.
37. Names of individuals, entities and places need to be spelled out consistently throughout the document, and abbreviations should be avoided as much as possible. When used for the first time, abbreviations should be spelled out and clearly identified in the "abbreviations" section preceding the introductory section of the report.
38. Reports should to be submitted to the Secretariat in an electronic format as well as in a hard copy at least four weeks before the expected date of issuance stated in the text of the resolution in order to allow sufficient time for editing and translation. Monitoring mechanisms should nominate a single member to liaise with the Secretariat on editing and translation matters.
39. The recommended 35-page limit for all United Nations reports should also apply, to the greatest extent possible, to the reports of the monitoring mechanisms. This limit should not include annexes, footnotes, photos, graphics or any other additions to the main body of the report.
40. Monitoring mechanisms may wish to consider that experience has shown that assigning one member of the monitoring mechanism to draft the report facilitates its coherence, focus and consistency in drafting style.

B. Standard contents of the reports of monitoring mechanisms

41. The following elements should be standard in any monitoring mechanism report.

Abbreviations and glossary

42. Abbreviations should be used sparingly and be listed, together with a glossary of terms used, for quick reference.

Summary

43. An executive summary not exceeding two pages is useful for identifying the main findings and recommendations of a report.

Introduction

44. The introduction should state the monitoring mechanism's mandate or refer to relevant Security Council resolutions.

Composition of the monitoring mechanism

45. Reports may identify the members of the monitoring mechanism and their areas of expertise, and name consultants that have assisted the monitoring mechanism in its work.

Methodology

46. A section on methodology is vital as it allows the reader to become familiar with the methodology through which the monitoring mechanisms arrived at their conclusions. In this section, the monitoring mechanisms could also elaborate on the challenges encountered in carrying out their work.

Political context

47. Most monitoring mechanism reports make reference to the relevant political situation. This section should be brief and concise and confine itself as much as possible to issues that bear directly on the mechanism's mandate.

Analysis of the implementation of sanctions

48. The basis on which the analysis of the implementation of sanctions is made and the arguments leading to its conclusions should be clearly spelled out. Case studies should be applied and backed up with primary documents to allow for greater depth and emphasis regarding the analysis.

Recommendations

49. Whether placed at the end of each section of the report, or grouped at the end of the report, recommendations should prescribe specific and practical steps to be taken based on critical findings or observations. Whereas grouping recommendations at the end of a report may facilitate easy access, they may be placed within a text as well when they flow from a particular argument.

Accuracy in reporting

50. When drafting reports, monitoring mechanisms should provide concrete information concerning allegations of non-compliance or sanctions violations and pay due attention to accurate wording in describing such allegations and in identifying names, whether of States, individuals or entities.

Annexes

51. Annexes should be used to provide as much "hard" evidence (images, copies of documents and tables containing detailed technical information) as possible to substantiate the findings contained in the report. Annexes need to be legible and illustrative and should be retyped when appropriate.

52. Annexes that reproduce documentation, such as false end-user certificates, are particularly effective. If figures are provided, a footnote indicating the source should be included, for example, for figures of the value or volume of shipments in sanctioned commodities.

Activities and meetings

53. Reports should include an annex summarizing the activities of the monitoring mechanisms and listing relevant meetings.

Index

54. The inclusion of an index could be useful for a selective reading of the report.
